

Glasse, Samuel
T H E
MAGISTRATE'S ASSISTANT;
OR, A
SUMMARY OF THOSE LAWS,
WHICH IMMEDIATELY RESPECT
T H E C O N D U C T
O F
A JUSTICE OF THE PEACE:
TO THE
END OF THE FIFTH SESSION
OF THE
SIXTEENTH PARLIAMENT OF GREAT-BRITAIN,
VIZ. TO JULY 12, 1788.

TO WHICH ARE ADDED,
FORMS OF WARRANTS, SUMMONSES, AND
RECOGNIZANCES;
FORMS OF CONVICTION AND OATHS OF OFFICE,
AND
A COMPLEAT INDEX OR TABLE OF CONTENTS.

T H E S E C O N D E D I T I O N .

B Y A C O U N T R Y - M A G I S T R A T E .

Legum Ministri, Magistratus; Legum Interpretes, Judices. C I C .

————— *Vir bonus est quis?*

Qui consulta patrum, qui leges juraque servat. H O R .

G L O C E S T E R :

P R I N T E D B Y R . R A I K E S ;

AND SOLD BY G. G. J. AND J. ROBINSON, PATER-NOSTER-ROW,
AND H. GARDNER, STRAND, LONDON.

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THE REGISTER

FRIDAY, JULY 1, 1882

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THE REGISTER

Memorandum

TO
HIS GRACE
THE DUKE OF MONTAGU,
PRESIDENT;

AND
TO THE RIGHT HON. THE RIGHT REV. AND OTHERS,
THE MEMBERS OF A SOCIETY
VOLUNTARILY ESTABLISHED,

FOR THE PURPOSE OF CARRYING INTO EFFECT
HIS MAJESTY'S LATE PROCLAMATION
AGAINST VICE AND IMMORALITY;

THE FOLLOWING

W O R K,

CONSIDERABLY ENLARGED,
AND BROUGHT DOWN TO THE END OF THE LAST SESSION,
IS INSCRIBED,

WITH GREAT RESPECT,
BY THEIR MOST OBEDIENT, AND FAITHFUL SERVANT,
AND FELLOW LABOURER,

THE EDITOR.

AUGUST, 1783.

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THE DUKE OF MONTAIGU

THE DUKE OF MONTAIGU, one of the most distinguished
of his age, and the most illustrious of
his country, was born at Montaigne, in the
county of Périgord, the 18th of January, 1533.
He was educated at the University of Bordeaux,
and afterwards at the University of Paris, where
he spent several years, and acquired a profound
knowledge of the French and Latin languages,
and of the history and literature of his country.

THE DUKE OF MONTAIGU, after having spent
some years in the study of law, and in the
exercise of his judicial functions, was appointed
in 1557, to the office of President of the
Parliament of Bordeaux, a post of great
importance and trust. He held this office
for several years, and during that time he
displayed great wisdom and integrity in the
discharge of his duties.

HIS MAJESTY, HENRY II., King of France,
in 1561, appointed him to the office of
President of the Council, a post of still greater
importance. He held this office for several
years, and during that time he continued to
display the same wisdom and integrity as
before. He was also appointed to the office
of Chancellor of France, in 1562, and he
held that office for several years.

THE DUKE OF MONTAIGU, after having held
the office of Chancellor for several years,
was appointed to the office of First President
of the Parliament of Paris, in 1565. He
held this office for several years, and during
that time he continued to display the same
wisdom and integrity as before. He was also
appointed to the office of President of the
Council, in 1568, and he held that office
for several years.

THE DUKE OF MONTAIGU, after having held
the office of President of the Council for
several years, was appointed to the office of
First President of the Parliament of Paris,
in 1571. He held this office for several
years, and during that time he continued to
display the same wisdom and integrity as
before. He was also appointed to the office
of Chancellor of France, in 1574, and he
held that office for several years.

THE DUKE OF MONTAIGU, after having held
the office of Chancellor for several years,
was appointed to the office of First President
of the Parliament of Paris, in 1577. He
held this office for several years, and during
that time he continued to display the same
wisdom and integrity as before. He was also
appointed to the office of President of the
Council, in 1580, and he held that office
for several years.

THE DUKE OF MONTAIGU, after having held
the office of President of the Council for
several years, was appointed to the office of
First President of the Parliament of Paris,
in 1583. He held this office for several
years, and during that time he continued to
display the same wisdom and integrity as
before. He was also appointed to the office
of Chancellor of France, in 1586, and he
held that office for several years.

THE DUKE OF MONTAIGU, after having held
the office of Chancellor for several years,
was appointed to the office of First President
of the Parliament of Paris, in 1589. He
held this office for several years, and during
that time he continued to display the same
wisdom and integrity as before. He was also
appointed to the office of President of the
Council, in 1592, and he held that office
for several years.

A LARGE impression of this work having been already dispersed, under the recommendation of a very respectable Name*, the present edition needed not to have sought for other patronage or protection: But the object of the following compilation being to facilitate a due administration of the laws, it seems to solicit, with peculiar propriety, the favour of that honourable SOCIETY, to which it is inscribed; the Members of which are seen standing forth in a cause, which demands the utmost vigilance which they can employ; the utmost activity which they can exert; and the best information which they can obtain.

Their endeavours, it is hoped, will be crowned with such success, as will prove highly satisfactory to the ROYAL PERSONAGE, whose good intentions they are labouring to accomplish; and eminently conducive to the general welfare.

The leading character of the SOCIETY is—to assist the Magistrate in his duty; and the following pages,

* BAMBER GASCOYNE, Esq; one of his Majesty's Justices of the Peace for the county of Essex, Receiver-General of the Customs, &c.

it is apprehended, will point out, in the readiest manner, HOW that assistance may be most effectually applied.

As the Editor has never heard that any of his Brother-Magistrates, who have trusted to its direction, have been misled in any material instance by mis-quotations, or omissions, in the former edition of this work, he hopes they will have still less to fear from the present publication; which is more full and correct than the former, and includes the statutes of the latest date, even to the present day.

The retirement of the late Chief Justice of the King's-Bench from the office which he filled with such distinguished honour to himself, and with such benefit to his country, does not render the Magistrate's situation at all more precarious than heretofore. The candour, liberality, and benevolence of his successor, will afford to every well-designing Justice of the Peace all the protection he can reasonably desire—while in every case, in which the *mala mens* is discovered, it will be reprobated with all authority, and meet with the treatment which it deserves.

It is with great satisfaction, that the Editor looks forward to an event, which (in consequence of a resolution lately adopted by the SOCIETY) is about to
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add many truly honourable names to the number of *acting* Magistrates within these great cities of London and Westminster, and their environs; where the services of the most pure, disinterested, and active Magistrates in the kingdom are wanted, almost every hour: If such of the Members of this respectable Society, in particular, as now resolve to take upon them this office, shall derive the smallest assistance from the following work, the Editor will have reason to rejoice, that he has found time, amongst other important engagements, to accomplish it at any rate. And he will esteem himself very highly indebted to any of those numerous Magistrates, who are better informed, and have had more experience than himself, if they will candidly point out any material errors, the correction whereof may render this book more perfect, and of more general utility to his brethren in the commission of the peace.

THE JOURNAL OF THE PROCEEDINGS OF THE HOUSE OF COMMONS

IN THE YEAR 1790

AND OF THE DEBATES THEREON

AS PASSED IN THE HOUSE OF COMMONS

ON THE 17TH OF JANUARY 1790

IN THE PRESENCE OF THE LORDS

OF THE GREAT COUNCIL

AND OF THE MEMBERS OF THE HOUSE OF COMMONS

AND OF THE MEMBERS OF THE HOUSE OF LORDS

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TO THE
R E A D E R.

THE high estimation in which Dr. Burn's Work, entitled, The Justice of the Peace and Parish Officer, has long been deservedly holden, encourages the Editor of the following sheets to hope, that another structure raised, with a similar design, on so solid a foundation, though to a much less elevated height, will not be deemed unworthy of the public notice. It claims very little merit, but what is derived from a new arrangement of that useful information, for which this country is so much indebted to the labours of the eminent Compiler already mentioned.

Its merit, if it has any, chiefly consists in pointing out more immediately to the eye of the Magistrate, who may be supposed to have many other engagements on his hands, that line of conduct, which, in almost every emergency, it is his duty to pursue. The authorities, as well from the common, as the statute law, are indeed

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less numerous than in many other books of this kind; yet it is hoped, that they are sufficiently copious for direction how to proceed in every ordinary case, which may occur: The statutes, as to every thing material, are faithfully recited: and though some technical expressions, not of the essence of the law, may, for brevity's sake, be omitted, the Editor flatters himself, that what remains will be abundantly sufficient to guard the person who consults them from any error in his decision. Adjudged cases, for the confirmation of his judgment, may be found at large in many very judicious collections of this sort:—The work of Lord Dudley and Ward, and T. Cunningham, Esq; entitled, *The Law of a Justice of Peace and Parish Officer, &c.* is a most valuable collection of information on this subject. And the Magistrate will find it prudent to have such useful books of reference as that compilation, and also Dr. Burn's *Justice of the Peace*, always at his hand. But with all these at his command, he nevertheless stands in need of some more obvious direction, when he is wishing to dispatch the business which presents itself, with expedition, safety, and satisfaction to himself and others.

It is well known, that several compilations of a similar nature with this have been heretofore offered to the public, under a great variety of titles and descriptions: and there is no doubt, that the Magistrate has de-

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rived no inconsiderable advantage from the lights communicated to him by such publications: and—*valeant quantum valere possint*—is our sincere desire: we by no means wish to raise the reputation of the following work, by depreciating the merits of any other. The reader is left at full liberty (and this liberty he certainly would take, whether we indulged him with it or not) to call to his assistance those productions, which he thinks most likely to direct, secure, and satisfy him in the discharge of his duty.

In the mean time, when a matter of doubt and difficulty is before him (and such he must expect will sometimes occur) he will be happy to avail himself of that liberal sentiment of One of the most illustrious ornaments of this or any other nation: “Where the Magistrate appears to have been misguided by an erroneous judgment, without any purpose of doing ill, GOD forbid, (says this venerable Personage*) that the courts of law should not give him credit for the purity of his intention; and put the most favourable construction on his conduct, that the case can possibly admit of.”

This is, in substance, the declaration, which, coming from such respectable authority, has doubtless encouraged many to engage in the useful employment of a Justice of the Peace, who would otherwise have been very cautious

* The late Lord Chief Justice of the King's Bench,

of exposing themselves to the disagreeable consequences of a faux pas in interpreting the laws. The indulgence here given, emboldens those, who are disposed to act, under the directions of an honest intention, and a plain understanding, freely to exercise their best judgment; no longer apprehensive, that the want of form, or the omission of some legal punctilio, may bring them within the reach of the censures of a superior court.

It is not however insinuated, that indifference or wilful negligence is at any rate excuseable in interpreting or enforcing a plain and positive statute: on the contrary, frequent occasions will offer themselves, wherein it is impossible to be too minutely precise; because in such cases, every advantage will assuredly be taken of any want of accuracy, or of the smallest inattention to the letter of the law. As a proof of this, and to convince the Magistrate of the necessity of extreme carefulness in his duty, it may not be amiss to observe, that Dr. Burn enumerates not less than twenty instances, in which an Order of Removal has been, or is liable to be, quashed, on account of some apparently insignificant error in the mere matter of form. All, therefore, which is intended by the encouragement holden forth, as above, is to remove from the mind of a well-meaning, but timorous Magistrate, the apprehension of something more, per-
haps,

haps, than censure, for an involuntary error in his conduct : but no licence is hereby given him to trifle with the obvious directions of a statute, or to adopt a latitude of interpretation, which is neither safe nor warrantable.

It was certainly an instance of equal candour and wisdom to encourage, as much as possible, those persons to step forward, who, though their rank and situation in life as well as their liberal education marked them as most proper for this office, had yet been found too generally averse from engaging in it. We will not allow ourselves to impute this backwardness to a mere love of dissipation, or a mere dislike to business. We are willing to think, that there are very few individuals of the above description, in point of rank, fortune, and education, who would not feel great satisfaction in finding themselves so materially serviceable to their country, in the discharge of an office so important to the suppression of vice, and to the advancement and security of the public welfare : we have seen them cheerfully foregoing the comforts of domestic life, and readily withdrawing their attention from their private concerns, in order to devote their time, and some, even their health and fortune, to the necessary duties of a military life : Whence is it then that so few have been found equally ready to dedicate some portion of their leisure-hours to
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the preservation of public peace, and to the maintenance of good order and decency among their neighbours?

It could only have arisen from the apprehension of some more than ordinary obstacles and impediments: They must surely have been deterred by the consideration, that, in order to attain to a competent knowledge of the duties of a magistrate, a tedious, thorny path was to be pursued; where no small share of difficulties would meet them by the way; and after all their labour, no inconsiderable danger of miscarrying would be incurred, even under the best information, which, till of late years, they were able to procure.

It has been our happier lot, to find these objections in a great measure removed: We have seen, what light has been thrown on the study of the municipal and statute laws, by the ingenious, elegant, and learned commentaries of that accomplished writer, SIR WILLIAM BLACKSTONE: And we have good reason to hope, that the chair of magistracy will in future more easily be filled by persons of consequence and respectability, well qualified for this useful department in society; when we reflect, that the study of the common law makes at this time a very considerable part of academical education,

But if no such advantages as these subsisted, the excellent work of Dr. BURN would alone be sufficient
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to remove the principal discouragements, which formerly deterred such, as were not inured to the habits of close enquiry, and toilsome researches. Since that work has been so universally received, and so justly admired and approved, the Justice of the Peace has seldom been at a loss for necessary information in almost every possible case: And perhaps the only apology which can be offered for hazarding the following attempt, when a work, so deservedly esteemed, is in almost every hand, is this: That the four volumes of Dr. BURN, (though no Magistrate ought to be without them, as books of reference) comprize much more, than it is necessary for a Justice of the Peace to investigate, in the ordinary duties of his office: From these, undoubtedly, much satisfactory information may be derived on subjects of no inconsiderable importance, though not immediately connected with the duties of a magistrate.

If the following work shall be found in any degree to facilitate the administration of justice, by more obviously exhibiting all that is written in the law on every common subject, the Editor flatters himself, he shall have rendered no inconsiderable service to his brethren in the commission; and will think his labours amply recompensed by their favourable acceptance of his best endeavours.

Accessary

Abstract of various L A W S for the better Ordering of Society.

	Authorities.	Penalties.	Application.	Jurisdiction or Mode of Punishment.		
Profanation of the Lord's Day.	No Person whatever, above 14 Years of Age, shall work, or exercise his ordinary Calling on a Sunday	29 Car. II. c. 7	5s. and for default Stocks 2 hours	To the Poor, except that the Informer may be allowed not more than one-third	One Justice	
	No Drover, Horse Courser, Waggoner, Butcher, Higgler, or their Servants, shall travel on a Sunday	ditto	20s. and for default ditto	ditto	ditto	
	No Boats or Barges to be used on a Sunday, unless allowed by a Justice	ditto	5s. and for default ditto	ditto	ditto	
	No Fruit, Herbs, or Goods of any Kind, shall be cried or exposed to Sale on a Sunday	ditto	Forfeiture of the Goods	ditto	ditto	
	No Shoemaker shall expose to Sale upon a Sunday any Boots, Shoes, or Slippers	1 Jac. c. 22	3s. 4d. per Pair and the Value of [them]	One-third to the King, one-3d to the Prosecutor, and 1-3d to the Town or Lord of the Leet	Justices, Sessions, or Leet	
	No Person shall kill Game on a Sunday	13 Geo. III. c. 80	10l. to 20l. for the 1st Offence	Half to the Poor	1st and 2d Offences by 1 Justice	
	No Person, without reasonable Excuse, shall be absent from some Place of Divine Worship one Sunday	1 Eliz. c. 2	20l. to 30l.	Half to the Informer	3d ditto by Indictment at Sessions	
	Exceptions. Fish Carriages are allowed to travel on Sundays.—Works of Necessity and Charity may be done on Sundays	29 W. III. c. 15 & 29 C. II. c. 7	50l.	To the Poor	One Justice	
	Meat may be dressed in Families, Inns, Cook Shops, and Viſtualling Houses	29 Car. II. c. 7				
	Milk may be sold before 9 in the Morning, and after 4 in the Afternoon	10 & 11 W. III. c. 24				
Drunkenness.	Mackerel may be sold on Sundays, before and after Divine Service	9 An. c. 23 & 11 & 12 W. III. c. 21				
	Hackney Coachmen and Chairmen in London, and 40 Watermen on the Thames, may work on Sundays					
	No Butcher shall kill or sell any Viſtuals on Sunday	3 C. c. 2.	6s. 8d.	1-3d to Informer, 2-3ds to the Poor	One Justice	
	No Person shall keep an Alehouse, or sell Ale by Retail, without a Licence	5 Geo. III. c. 46	40s. 1st Offence	In default Imprisonment for 1, 2, and 3 Months	Half to the King	
	No Inn-keeper or Alehouse-keeper shall suffer any one to continue drinking or tipling in his House	1 J. c. 9 21 J. c. 7	4l. 2d ditto		Half to the Prosecutor	
	Except the Person is a Traveller, or is invited by a Traveller	1 J. c. 9	6l. 3d ditto		To the Poor	
	Or a Labourer, or Handicraftsman, who stays one Hour to dine, or who lodges in the House	ditto	10s. and disabled for 3 Years		ditto	
	Or upon an urgent Occasion, to be allowed by two Justices	ditto			ditto	
	No Person to continue drinking or tipling in a Public House (unless he is one of those above excepted)	4 J. c. 5	3s. 4d.		ditto	
	No Person shall be drunk	ditto & 21 J. c. 7	5s. or default Stocks 6 hours for 1st Offence, for 2d Offence to find Sureties in Recog. of 10l.		ditto	
Profane Curfing and Swearing.	Inn-keepers convicted of Drunkenness shall moreover be disabled from keeping a Public House for 3 Years, and for Misconduct shall forfeit their Recognizance	ditto & 26 Geo. II. c. 31			5 1 Justice may bind to appear at 2 Sessions to answer the Complaint	
	Every Day Labourer, Common Soldier or Seaman, who shall profanely Curse or Swear	19 Geo. II. c. 21	1s. 2d Offence double			
	Every other Person, under the Degree of a Gentleman, who, &c.	ditto	2s. 3d Offence treble, and for default House of Corr. 10 days	To the Poor	One Justice	
	Every Person, of or above the Degree of a Gentleman, who, &c.	ditto				
	Lewdness.	Open and public Acts of Lewdness and Indecency are punishable	1 Hawk. 7, and 3 Bur. 1435	Fine, Imprisonment, and Pillory		Information or Indictment
		Keepers of a Bawdy-house subject to the same Punishment	1 Hawk. 196, and 25 Geo. II. c. 36			ditto
		Frequenters of such a House may be bound to good Behaviour	2 Hawk. 61	By ditto		One Justice
		All obscene Books, Pictures, and Prints, are Libels against Government, and the Publishers may be punished	Strange's Reports, 788			Information or Indictment
		No Person shall set up or keep any Gaming-house by way of Lottery, Faro, Bassett, Hazard; and all Games at Dice, except Backgammon, are within this Act	12 G. II. c. 28, 13 G. II. c. 19	£. 200	One-third to the Informer	One Justice
		No Person shall adventure in such Lotteries or Games	ditto	£. 50	Two-thirds to the Poor	ditto
No persons shall expose or keep a Lottery		10 & 11 W. III. c. 17	£. 500	One-third to the King, ditto to the Poor, ditto with double Costs to Prosecutor	Action	
No Person shall play at such Lottery		ditto	£. 20	ditto	ditto	
No Persons shall sell Lands or Goods by Lottery		8 Geo. II. c. 2.	£. 500, Imprisonm. for 1 Year and till Penalty be paid	ditto	Two Justices	
No Person shall adventure in such Lottery		ditto	Double the Sum contributed	Half to the King	Action	
Gaming.	No Keeper of a Public House shall suffer any Journeyman, Labourer, Servant, or Apprentice, to game in his House or Ground	30 G. II. c. 24	40s. 1st Offence	Half to the Prosecutor	One Justice	
	No Journeyman, Labourer, Servant, or Apprentice, shall game in a Public House, or in Ground belonging to it	ditto	£. 10. 2d ditto	Three-fourths to the Poor	ditto	
	No Person shall start or run a Horse for a less Prize or Sum than 50l.	13 G. II. c. 19	5s. to 20s.	One-fourth to the Informer	ditto	
	If any Person lose at any Game 10l. at one Sitting, or 20l. within 24 Hours, and pay it, he may recover it back within 3 Months	9 An. c. 14	£. 200	Half to the Poor	Action	
	If the Loser does not recover the Sum lost in 3 Months, any other Person may recover the same, with treble Value and Costs besides	ditto		Half to the Prosecutor	ditto	
	Loser or Winner of 10l. at one Sitting, or 20l. within 24 Hours, may be fined	18 G. II. c. 34	Five times the Sum won or lost	To Prosecutor, Witnesses, or Poor, at Discretion of Court	Indictment	
	Persons winning Money at Gaming by Fraud	9 An. c. 14	Fine, Imprisonment, & Pillory, and five times the Sum won	To the Prosecutor	ditto and Action for the Penalty	
	If any one assaults, beats, or challenges to fight another, on account of a Gaming Debt	ditto	All his Goods and Chattels, & Imprisonment for 2 Years	To the King	Information or Indictment	
	All Notes, Bills, Bonds, Judgements, Mortgages, and Securities for a Gaming Debt, or for Money lent to game with, are absolutely void	ditto	ditto	By ditto	ditto	
	Idle and Disorderly Persons.	Persons who threaten to run away, and to leave their Families upon the Parish	17 G. II. c. 5, & 7 J. c. 5	House of Correc. for any Time not exceeding one Month		One Justice
Persons who are poor, and refuse to work for the usual Wages						
Persons who beg in the Street, or from Door to Door in the Parishes where they dwell						
Any Person who apprehends and carries such a Beggar before a Justice, shall receive 5s.		17 G. II. c. 5				
Such a Beggar who resists, or escapes, Persons who go about gathering Alms under Pretence of Losses						
Persons who refuse, or escapes, Persons who go about gathering Alms under Pretence of Losses						
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8 Geo. II. c. 2.
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 9 An. c. 14
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 18 G. II. c. 34
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 ditto

£. 20
 £. 500, Imprisonm. for 1 Year }
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 Half to the King }
 Half to the Prosecutor }
 Three-fourths to the Poor }
 One-fourth to the Informer }
 ditto
 Half to the Poor }
 Half to the Prosecutor }
 ditto
 ditto
 To Prosecutor, Witnesses, or }
 Poor, at Discretion of Court }
 To the Prosecutor
 To the King
 By ditto
 Two Justices
 Action
 One Justice
 ditto
 Action
 ditto
 ditto
 Indictment
 ditto and Action for the Penalty
 Information or Indictment
 ditto

Vagrants.

Persons who threaten to run away, and to leave their Families upon the Parish
 Persons who are poor, and refuse to work for the usual Wages
 Persons who beg in the Street, or from Door to Door in the Parishes where they dwell
 Any Person who apprehends and carries such a Beggar before a Justice, shall receive 5s.
 Such a Beggar who resists, or escapes, Persons who go about gathering Alms under Pretence of Losses
 Unlicensed Players, Minstrels, Jugglers, Players or Betters at unlawful Games, Gypsies, Fortune Tellers
 Cheats and Impostors, Persons who run away and leave their Families upon the Parish
 Strollers who cannot give a good Account of themselves, all wandering Beggars
 Persons who have any Instrument with Intent to break Houses, or any Weapon with intent to rob
 Rogues and Vagabonds who make their Escape, who refuse to go before a Justice, or who refuse to be examined who, being warned of their Punishment, give a false Account of themselves, who refuse to go to their Settlements, or who commit a second Offence
 Reward for apprehending any Rogue, Vagabond, or Incurrible Rogue, and delivering him to a Constable, or conveying him to a Justice, 10s.

are Idle and Disorderly Persons
 17 G. II. c. 5, & 7 J. c. 5
 17 G. II. c. 5
 ditto
 23 G. III. c. 88
 are Incurrible Rogues
 17 G. II. c. 5
 ditto

House of Correc. for any Time }
 not exceeding one Month }
 May be publicly Whipt and sent }
 to their Settlements; or may be }
 committed to the next Sessions. }
 And afterwards may be whipt }
 and imprisoned for not more }
 than Six Months
 Punishment as for Rogues, but }
 besides their Imprisonment by }
 Sessions may be for two Years, }
 and not less than six Months

ditto
 One Justice
 ditto and the Sessions
 ditto

Weights and Measures.

Persons who sell by false Weights and Measures in Market Towns in any Place
 All Persons using false Weights and Measures by Common Law may be punished

11 Hen. VII. c. 4
 16 C. c. 19
 4 Blackst. Com. 157

6s. 8d. 1st Offen. 13s. 4d. 2d do
 20s. 3d ditto and Pillory
 5s.
 By Fine, Imprisonm. and Pillory

To the Mayor or Head Officer
 To the Poor
 Mayor or Head Officer
 One Justice or Mayor
 Information or Indictment

Church Wardens and Overseers, if they have no good Excuse, shall meet once a Month in the Church, on Sunday, to consider of Means to provide for the Poor
 Any Room or House kept for Music, Dancing, or Public Entertainment, without a Licence, is disorderly, and the Keeper, or he who manages and acts as Master, forfeits
 Parishioners not disqualified from being Witnesses against Offenders, though the Penalties may be applied to the Use of the Parish

43 Eliz. c. 2
 25 G. II. c. 36
 29 G. III. c. 29

20s. for each Omission
 £. 100

To the Poor
 To Prosecutor
 Two Justices
 Action

Abstract of

The following is a list of the names of the persons who have been appointed to the various offices of the County of ...

Proclamation of the Lord's Day

Whereas the Lord's Day is a day of rest and devotion, and it is the duty of every Christian to observe it as such, I, the Governor, do hereby proclaim the Lord's Day to be a day of rest and devotion, and I do hereby command every Christian to observe it as such.

And I do hereby command every Christian to observe the Lord's Day as a day of rest and devotion, and I do hereby command every Christian to observe the Lord's Day as a day of rest and devotion.

Witness my hand and seal this ... day of ...

Proclamation of the Lord's Day

Accessary.

ACCCESSARY is one that is concerned in the felony by commandment, aid, or receipt.

In high treason, there are no accessaries, either before or after; for all are principals.—In cases that are criminal, but not capital, such as petty larceny, trespass, &c. there are no accessaries.—But as to felonies by act of parliament, those that counsel or command the offence, are accessaries before; and those that knowingly receive the offender, are accessaries after. 1 Hale's Hist. 613.

The buyer or receiver of stolen lead, iron, copper, brass, bell-metal, or solder, *knowing them to be stolen, may be convicted, although the principal hath not been convicted; and shall be transported for fourteen years. 29 G. 2. c. 30.

Every person, who shall buy or receive any stolen jewel or jewels, or any stolen gold or silver plate, watch or watches, knowing the same to have been stolen, accompanied with a burglary actually committed in stealing the same, or to have been feloniously taken by a robbery on the highway, shall be triable, as well before conviction of the principal felon, whether he be in or out of custody, as after his conviction: and if such person, so buying or receiving, shall be convicted thereof, he shall be guilty of felony, and transported for 14 years. 10 G. 3. c. 48.

Affray.

AN affray is a public offence to the terror of the king's subjects; so called, because it affrighteth and maketh men afraid.

From whence it seems clearly to follow, that there may be an assault, which will not amount to an affray.

Any one who sees others fighting, may lawfully part them, and also stay them till the heat be over, and then deliver them to the constable to be carried before a justice, to find sureties for the peace. 1 Hawk. 136.

A constable is bound at his peril to use his best endeavours to part an affray; and to demand the assistance of others, which if they refuse to give him, they are punishable with fine and imprisonment.—And he may either carry the offender before a justice, to find sureties for the peace, or he may imprison him of his own authority for a reasonable time, till the heat be over, and also afterwards detain him till he find such surety by obligation.—But a constable hath no power to 1 Hawk. 137.

* When so considered, See Stolen Goods.

Affray.

arrest a man for an affray done out of his own view, without a warrant from a justice, unless a felony were done, or likely to be done; for it is the proper business of a constable to preserve the peace, and not to punish the breach of it.

1 *Haw.* 137.

A justice of the peace cannot without a warrant authorize the arrest of any person for an affray out of his own view; yet he may make his warrant to bring the offender before him, in order to compel him to find sureties for the peace.

1 *Haw.* 138.

All affrays in general are punishable by fine and imprisonment.

Ale, Beer, and other Exciseable Liquors.

24 *G. 3. sess. 2.*
c. 30.

BY this act, an additional duty of 10s. 6d. is to be paid for every licence for retailing beer, ale, &c. over and above all other duties chargeable thereon.

1d.

The new duty to be under the government, care, and management of the commissioners of the stamp duties.

Alehouses.

IF an alehouse lodges and entertains travellers, it is also an inn.

Two justices (1 *Q.*) may enquire of innholders, and of all and singular other persons, who shall offend in the abuse of weights and measures, or in the sale of victuals.

5 *G. 3. c. 46.*

9 *G. 3. c. 6.*

Every person lawfully convicted of selling ale or beer, or other exciseable liquors, by retail, without licence (except in *fairs, and except retailers of spirituous liquors without licence, for whom other penalties are provided by law) shall forfeit for the first offence 40s. and also the costs and expences of conviction; if not paid within 14 days after conviction, the offender to be imprisoned for one month, unless he shall sooner pay the penalty, and the costs; for the second offence 4l. and also the costs and expences of conviction; if not paid within one week, to be imprisoned two months, unless he shall sooner pay the penalty, and the costs; for the third offence 6l. and also the costs and expences of conviction; if not paid within three days, to be imprisoned for three months, unless he shall sooner pay the penalty, and the costs; and the like penalty for every other offence after the third, as for the third offence. All which costs and expences shall be ascer-

* As to towns, and places where fairs are kept, for the time only of such fairs
See 5 & 6 Ed. 6, c. 25, §. 6. and 3 Car. c. 4, §. 6.

tained by the justice before whom the offender shall be convicted. One moiety of all which penalties and forfeitures shall be to the king; and the other moiety, and all such costs, charges, and expences, to the prosecutor.—The same to be heard and determined by one justice: who shall *summon the party accused, and the witnesses; and shall proceed to hear the matter, and examine witnesses on oath, and give judgment; and if he convict the party accused, and such party shall refuse to pay the penalty, with the costs, he shall issue his warrant for apprehending and committing to prison every such offender, for such time, and in such manner, as the nature of the offence shall require.

Where a justice shall suspect that any person sells without licence, he may call such person before him, and also any excise-officer to produce his stock-book; and may examine such officer on oath in what manner he charges such person, and how such person pays the duties; and if it shall appear, that such person is surveyed as a victualler or retailer, and is charged with the same duties that victuallers and retailers are charged with, he shall be deemed an alehouse-keeper, victualler, retailer, or seller thereof, as if the same had been proved by two witnesses.

26 G. 2. c. 31.

Any witness neglecting or refusing to appear upon summons at the time and place appointed, without a reasonable excuse to be allowed by such justice, or appearing and refusing to be examined on oath and give evidence, shall forfeit 20s.

5 G. 3. c. 46.

And if any person shall think himself aggrieved by the conviction of such justice, he may appeal to the next quarter sessions; unless they are held within six days; in which case, he may appeal to the following sessions, after giving security to the satisfaction of the justice, for the payment of the penalty, costs, and expences of such conviction.

Id.

If any person shall sell or deliver any beer or ale, to any person that shall then sell beer or ale as a common tipler or alehousekeeper, (except it be for the use of his household only) the same person not having licence to sell ale or beer; he shall forfeit for every barrel 6s. 8d. and so proportionably for other quantities; half to the poor, and half to him that shall sue in sessions, by action of debt, information, indictment, or presentment.

4 J. c. 4.

No licence shall be granted to any person to keep a common inn or alehouse, but at a general meeting of the justices acting † in the division where the said person dwells, to be holden for

2 G. 2. c. 28.

26 G. 2. c. 31.

* See Appendix, No. 78.

† N. B. The intrusion, therefore, of magistrates acting in another division, to grant licences to persons judged by their own magistrates improper to be licensed, appears to be not only extremely indecent, but also absolutely illegal; and every licence so obtained, is null and void.

Alehouses.

that purpose, on the first day of September yearly, or within twenty days after, and not at any other time.—This shall not alter the power or the time of granting licences, in cities and towns corporate.

2 Geo. 2. c. 28.

26 G. 2. c. 31.

6 G. 2. c. 31.

The day and place for granting licences shall be appointed by two or more justices for the division, by warrant under their hands and seals, at least ten days before such meeting, directed to the high constables, requiring them to order their petty constables, or other peace officers, to give notice to the several innkeepers and alehousekeepers within their respective constablewicks, of the day and place of such meeting. And all licences granted at any other time and place shall be void.—And no licence shall be granted to any person not licensed the year preceding (except in cities or towns corporate) unless he produce a certificate under the hands of *the minister* and the *major part* of the churchwardens and overseers, or else of three or four reputable and substantial householders of the place, setting forth that such person is of good fame and of sober life and conversation; and it shall be mentioned in such licence that such certificate was produced, otherwise the licence shall be void.

Strange 881.

A *mandamus* will not lie to compel the justices to license any person.

26 G. 2. c. 13.

No justice of the peace, being a common brewer of ale or beer, innkeeper, or distiller, or a seller of or dealer in ale or spirituous liquors, or interested in any of the said trades, or being a victualler or malster, shall be capable, or have any power to grant licences for selling ale or beer or any other liquors, but the same shall be void.

5 & 6 Ed. 6.

c. 25.

2 G. 2. c. 31.

The person licensed shall enter into a recognizance in 10l. with two sureties in 5l. each, or one surety in 10l. as well against the using of unlawful games, as also for the using and maintenance of good order and rule, to be had and used within the same.

Dalt. c. 76.

These three things are especially recommended to the justices' care: 1. That no alehousekeeper, upon the Lord's day, should receive, or suffer to remain, any persons whatsoever, as their guests, in any of their houses or other places, to tipple, eat or drink; other than travellers, and such as come upon necessary business. 2. That they suffer no person whatsoever, resorting to their houses only to eat and drink, to remain there after the hour of nine in the evening in winter, and ten in summer. 3. That they suffer no person, resorting to their houses only to eat and drink, to remain tipling there above one hour, other than travellers.

26 G. 2. c. 31.

The recognizance, with the condition thereof, fairly written or printed, shall forthwith, or at the next sessions at farthest, be sent or returned to the clerk of the peace, under the hands of

of the justices, to be by him entered or filed among the records. And for every licence granted, without taking such recognizance, and for every such recognizance taken, and not sent or returned, every justice signing such licence, shall forfeit 3l. 6s. 8d. to him who shall sue, together with costs.—The clerk of the peace shall keep a register or calendar of all such recognizances, and shall deliver to the justices, at the meeting for granting licences, a true copy of such register or calendar.—And for every recognizance shall be paid by the clerks of the justices taking such recognizances, to the clerk of the peace, for filing or recording the same, &c. 1s. which shall be paid to the clerks of the said justices, by the persons licensed, over and above the fees payable to the said justices' clerks.

The justices shall have power, in their quarter-sessions, to enquire of all such persons as shall be admitted and allowed to keep any alehouse or tiplinghouse, and that be so bound by recognizance, if they have done any act whereby they have forfeited the same recognizance, and they shall, upon such presentment or information, award process against every such person so presented or complained of before them, to shew why he should not forfeit his recognizance; and shall have power to hear and determine the same, by all such ways and means, as by their discretion shall be thought good.

5 & 6 Ed. 6. c.
25.

Any justice, on complaint or information that such licensed person hath committed any act, whereby in the judgment of such justice the recognizance may be forfeited, may, by summons under hand and seal, require such person to appear at the general or quarter-sessions, then and there to answer to the matter of such complaint or information; and also may bind the complainant, or any other person, in recognizance, to appear and give evidence; and the sessions may direct the jury, which shall there attend for the trial of traverses, or some other jury of twelve honest and substantial men, to be then and there impannelled by the sheriff without fee, to enquire thereof; and if the jury find that such person hath done any act, whereby the recognizance is broken, such act being specified in such complaint or information, the court may adjudge him guilty; which verdict and adjudication shall be final; and thereupon the court shall order the recognizance to be estreated into the exchequer, to be levied to his majesty's use; and the said person shall be disabled to sell any ale, &c. for three years. Provided, that the justices, at the request of the prosecutor, or of the party complained of, or either of his sureties, may adjourn the trial to the then next sessions.—And if any person shall be disabled, by conviction, to sell ale, beer, cyder, or perry, he shall, by the same conviction, be disabled to sell any spirituous liquors, any licence before obtained for that purpose notwithstanding; which said conviction shall be certified to the next sessions, to be filed amongst the records.

26 G. 2. c. 31.

If.

26 G. 2. c. 31. If any licensed person shall die or remove out of his house so licensed, his executors, administrators or assigns, or the occupier thereof, may continue during the residue of the term, without any new licence or certificate.

Id. If any alehouse shall become empty or unoccupied after the general day for licensing (the occupier whereof was duly licensed the year preceding) two justices at a petty sessions may grant a licence to any new tenant or occupier till the next general licensing day, obtaining first a certificate as abovementioned.

3 El. c. 91. The justices in Easter sessions yearly (and mayors in corporations) shall rate the price of all barrels, kilderkins, firkins, and other vessels to be sold for ale or beer to be uttered therein: And if any cooper shall not sell the same according to such rate, he shall forfeit 3s. 4d.; half to the king, and half to him that shall sue.

12 C. 2. 1 W.
c. 23, 24. Every barrel of beer, within the bills of mortality, shall be 36 gallons, and the barrel of ale 32 gallons; and in all other places, 34 gallons shall be reckoned for a barrel of beer or ale.

11 & 12 W.
c. 15. All innkeepers, alehouse-keepers, and other retailers of ale or beer, shall retail and sell the same in and from their houses, by a full ale-quart or ale-pint, according to the standard of the exchequer, in a vessel made and sized to the standard, and signed, stamped, or marked, either from the exchequer, or from some city, town-corporate, borough, or market-town, where a standard ale-quart or pint, made from the said standard shall be kept for that purpose; on pain of forfeiting not above 40s. nor under 10s. for every offence; half to the poor, and half to him that shall prosecute or sue for the same; to be recovered before one justice, by the oath of one witness, and to be levied by warrant of distress. The prosecution to be within 30 days.—And every mayor, or chief officer, shall, on request to him made, cause all ale-quarts and ale-pints, made of good and wholesome materials, which shall be brought to him, to be measured with the standard in his custody, and shall then cause the same to be signed, stamped, and marked with W. R. and a crown, for which they shall not receive above one farthing for each measure, on pain of 51.

1 J. c. 9. If any innkeeper, victualler, or alehouse-keeper, or tavern keeper keeping an inn or victualling-house, shall suffer any inhabitant to continue drinking or tipling therein (except such as shall be invited by any traveller during his necessary abode there; and except labouring and handicraftsmen in cities, &c. upon the usual working days, for one hour at dinner-time, to take their diet in an alehouse; and except labourers and workmen, which, for the time of their said continuing in work there, sojourn, lodge, or victual in any inn, &c.) he shall, on conviction thereof before the mayor or a justice of the peace, on view or confession, or oath of one witness, forfeit 10s. to the

Alehouses.

7

the poor. The same to be levied by the constables or churchwardens by way of distress; and for default of satisfaction in six days, the distress to be appraised and sold; rendering the overplus; and for want of sufficient distress, the party offending to be committed to the common gaol, there to remain until the penalty be truly paid. And if the constable or churchwardens do neglect their duty in levying, or do not levy the penalties; or in default of distress, do neglect to certify the default, by the space of 20 days, to such mayor or justice; every person so offending, shall forfeit 40s. to the poor, to be levied by way of distress by warrant from such mayor or justice; the distress to be detained six days; in which time, if payment be not made, the goods may be appraised and sold, returning the overplus; for want of which distress, the constable or churchwarden so offending, to be by such mayor or justice committed to the common gaol, there to remain until the penalty be truly paid.

The said offence may be enquired of and presented before justices of assize, justices of the peace in their sessions, mayors in corporations, and in the leet. 4 Ja. c. 5.

If any alehouse-keeper shall suffer any inhabitant to continue drinking or tipling therein as aforesaid, he shall be disabled for the space of three years to keep any such alehouse. 21 Ja. c. 7.

If any person (unless those before excepted) shall continue drinking or tipling, in any inn, or alehouse, he shall, on conviction thereof, before the mayor or a justice of the peace, on view, confession, or oath of one witness, forfeit for every offence 3s. 4d. within one week, to the churchwardens, for the use of the poor: And if he shall refuse, it shall be levied by distress: And if he be not able to pay, the justice may punish the offender, by setting him in the stocks for every offence by the space of four hours. 4 Ja. c. 5.

The offender to be presented, indicted, or convicted in six months. Id.

And all constables, churchwardens, aleconners, and sidesmen, shall, in their several oaths incident to their offices, be charged to present the said offence. And if any alehouse-keeper shall be convicted of the said offence, he shall moreover for the space of three years, be disabled to keep any such alehouse. 21 Ja. c. 7.

All constables, churchwardens, aleconners, and sidesmen, shall be sworn to present the offence of drunkenness. 4 Ja. c. 5.

Every person, who shall be drunk, and thereof shall be convicted before one justice, or mayor, on view, confession, or oath of one witness, shall forfeit for the first offence 5s. to be paid within one week, to the churchwardens, for the use of the poor; and if he shall refuse, it shall be levied by distress; and if the offender be not able to pay the said sum of 5s. he shall be 21 Ja. c. 7.

Alehouses.

be committed to the stocks, there to remain for the space of six hours.

4 *Ja. c. 5.*

And if any constable, or other inferior officer, do neglect the due correction of the offender, every person so offending shall forfeit 10s. to be paid to the churchwardens, for the use of the poor. And if any person once convicted of drunkenness, shall after that be again convicted of the like offence, he shall be bounden with two sureties in a recognizance or obligation of 10l. with condition to be from henceforth of good behaviour.

7 *Ja. c. 10.*

If any alehouse-keeper shall be convicted of being drunk, he shall, besides the penalties above-mentioned, be utterly disabled to keep any such alehouse, for the space of three years next ensuing the conviction.

Note.—The universities are generally excepted out of these acts concerning alehouses.

Annuities.

BY several acts, an oath of an annuitant's life is to be made before a justice of the peace, who shall give a certificate thereof, in order to entitle such person to receive his annuity.

Apples and Pears.

1 *Ann. st. 1. c.*
15.

THE measure shall be round, and in diameter eighteen inches and a half within the hoop, and eight inches deep; and so in proportion: and whosoever shall sell or buy any apples or pears by any other measure, shall forfeit 10s. half to the informer, and half to the poor, on conviction on the oath of one witness, before one justice, or mayor, to be levied by the petty constable by warrant of the said justice, by distress and sale. But this shall not extend to any measure sealed and allowed by the fruiterers' company in London.

Apprentices.

5 *El. c. 4.*

IF any person, under the age of 21, shall be required by any householder, using half a ploughland at least in tillage, to be an apprentice, and to serve in husbandry, or other art, and shall

Apprentices.

9

shall refuse so to do, then (on complaint of such housekeeper to one justice or head officer) he shall send for the person refusing; and if he shall think the said person meet to serve, and such person refuse to be bound, he may commit him to ward, there to remain, until he be contented, and will be bound.

The churchwardens and overseers, or the greater part of them, by the assent of two justices (1 Q.) may bind any such children, whose parents they shall judge not able to maintain them, to be apprentices where they shall see convenient, till such man child shall come to the age of 21, and such woman child to the age of 21, or marriage; the same to be as effectual to all purposes, as if such child were of full age, and by indenture of covenant bound him or herself.

18 G. 3. c. 47.
43 El. c. 2.

By 8 An. c. 9. a duty of 6d. in the pound, where the apprentice's fee is from 11. to 50l.—where it is 50l. and upwards, 1s. for every pound is to be paid, by the master or mistress of every apprentice, clerk, or servant, bound by indentures. The indentures within the bills of mortality are to be brought to the stamp-office within one month; if executed in the country, to the agents of the stamp-office within two months, and the duty paid, under a penalty of 50l. and making void the indentures, 9 An. c. 21. The stamp on the indenture is 12s.—Each indenture must be on a 6s. stamp; except parish apprentices, for whom a 6d. stamp on each indenture is sufficient, and no duty on the sum given.

And where any poor child shall be appointed to be bound apprentice by the 43 El. the person to whom he is appointed to be bound, shall receive and provide for him, and also execute the other part of the indentures; and if he shall refuse so to do, oath being thereof made by one of the churchwardens or overseers, before two justices, he shall forfeit 10l. by distress and sale, by warrant of such justices, to the use of the poor of the parish or place where the offence was committed; saving always to the person to whom any poor child shall be appointed to be bound apprentice, if he shall think himself aggrieved thereby, his appeal to the next sessions, whose order therein shall be final.

8 & 9 W. c. 30.

Directors and guardians of the poor, in particular incorporated hundreds or districts, have the same powers to bind poor children; and every inhabitant, being an occupier of lands in the parish, is bound under the same penalties to receive and provide for them.

20 G. 3. c. 36.

N. B. If the master is dissatisfied, he may appeal to the sessions.

Choice shall always be made of the poorest children; and no such apprentice shall be above 15 years of age when bound.

Every one, who by his profession, or manner of living, has occasion to employ servants, and is approved of by the justices. Dalt. c. 58.

C

It

2 & 3 Ann. c. 6.

It shall be lawful for two justices, and for the head-officers in corporations, and for the churchwardens and overseers of the several parishes or townships, with the consent of such justices or head-officers, to bind and put out any boy of the age of ten years or upwards, or who shall be chargeable, or whose parents shall be chargeable, or who shall beg for alms, to be an apprentice to the sea-service, to any subject being master or owner of any ship or vessel, until he shall attain the age of 21 years.

And every person to whom any poor boy shall be put apprentice by the 43 *El.* may, with the consent of two justices dwelling near the parish where such poor boy was bound, or with the like consent of the chief officer in a corporation, at the request of the master, his executors, administrators, or assigns, by indenture assign over such poor boy apprentice, to any master or owner of a ship or vessel, using the sea-service, during the remaining time of his apprenticeship.—The boy's age shall be inserted in the indenture, being truly taken from a copy of the entry in the register-book (where it can be had) which copy shall be given and attested by the minister without fee:—And where no such entry can be found, two such justices, and such head officers, shall as fully as they can inform themselves of such boy's age, and from such information shall insert the same in the indentures.—The collector in the port shall keep a register of all such apprentices in such ships, and from what parishes and places they were sent; and shall transmit (gratis) true copies thereof signed by him, to the quarter-sessions, or to such towns corporate, parishes, or places, when and so often as he shall be reasonably required so to do; and every collector refusing or neglecting to send such copy, shall forfeit 5*l.* to the poor of the parish from whence such boy was bound.—Two justices near the port, and mayors of towns corporate, in or near adjoining to such port at which such ship or vessel shall at any time arrive, may determine all complaints of ill usage from the master to such apprentice, and also of all such as shall voluntarily put themselves apprentices to the sea service.—All the penalties aforesaid shall, by warrant of two justices of the county, city, or town corporate, be levied by distress and sale.

2 G. 3. c. 15.

Note.—Masters, apprentices, mariners, and others employed in fishing-vessels upon the coasts, are exempted, during such their employment, from being impressed.

5 E. c. 4.

If any master shall misuse or evil intreat his apprentice, or the said apprentice shall have any just cause to complain; or if the apprentice do not his duty to his master, then the said master or apprentice being grieved, and having cause to complain, shall repair unto one justice; and if the said justice cannot compound and agree the matter, he shall take bond of the said

said master to appear at the next sessions; and on his appearance, and hearing of the matter there, if it be thought meet to discharge the said apprentice, then the justices, or *four of them at the least (1 *Q.*) shall have power in writing under their hands and seals, to pronounce and declare, that they have discharged the said apprentice of his apprenticeship, and the cause thereof:—And the said writing, being inrolled among the records, shall be a sufficient discharge for the apprentice against his master, his executors and administrators. And if the default shall be found to be in the apprentice, then the said justice, &c. with the assistance aforesaid, shall cause such due correction and punishment to be administered unto him, as by their wisdom and discretion shall be thought meet.

On complaint unto two justices, by any parish or other apprentice, upon whose binding out no larger a sum than 5*l.* was paid, concerning any ill-treatment, they may summon the master or mistress; and on proof upon oath of the truth of the said complaint, the said justices may discharge the apprentice, for which warrant or certificate no fee shall be paid. And such justices on complaint on oath by any master or mistress, against any such apprentice, concerning any misdemeanor, miscarriage, or ill behaviour, may hear and determine the same, and punish the offender, by commitment to the house of correction, there to remain and be corrected, and held to hard labour for a reasonable time, not exceeding one calendar month, or otherwise by discharging such apprentice. 20 *G. 2. c. 19.*

Persons aggrieved by any determination, order or warrant of such justices, may appeal to the next sessions, who may award costs to either party not exceeding 4*s.* to be levied by distress and sale.

If any apprentice shall flee into any other shire, the justices may issue writs of *capias* to the sheriffs of the counties, to take his body, that he may be put in prison, till he finds sufficient surety well and honestly to serve his master. 5 *El. c. 4.*

If a justice shall issue a warrant against such person, and he shall escape into another shire, the constable or other person, on having the warrant indorsed by a justice in such other shire, may arrest him there, and carry him before a justice in such other shire, if the offence is bailable, to find bail, or else shall carry him back before a justice in the shire from whence the warrant did first issue. 24 *G. 2. c. 55.*

If any apprentice shall absent himself from his master's service, before the term of his apprenticeship shall be expired, he shall, at any time thereafter, whenever he shall be found (so it be within seven years after the expiration of his term) be compelled to serve his said master, for so long time as he shall have absented himself; unless he shall make satisfaction to his 6 *G. 3. c. 25.*

* Four at least, where the apprentice's fee exceeds 5*l.*

Apprentices.

master for the loss he shall have sustained by such absence; and if he shall refuse so to serve, or to make satisfaction, the master may complain upon oath to one justice where he shall reside, who shall issue his warrant for apprehending such apprentice. And such justice, on hearing the complaint, may determine what satisfaction shall be made to such master by the apprentice. And if the said apprentice shall not give security to make satisfaction according to such determination, such justice may commit him to the house of correction for any time not exceeding three months.

Persons aggrieved by such determination, order, or warrant of the justice (except any order of commitment) may appeal to the next sessions.

Provided, that nothing herein shall extend to the stannaries in Devon or Cornwall; or to impeach or lessen the jurisdiction of the chamberlain of London, or of any other court within the said city, touching apprentices; nor to any apprentice, whose master shall have received with him the sum of 10l.

21 H. 8. c. 7. Servants going away with their master's goods, with intent to steal them, shall be guilty of felony; but not to extend to apprentices.

12 Ann. st. 1. c. 7. Persons stealing to the value of 40s. being in a dwelling house or outhouse thereto belonging, tho' such house be not broken, and tho' no person be therein, are excluded from the benefit of clergy. But this not to extend to apprentices under 15 years of age; but if they be 15 years of age, they shall be guilty as other persons.

If the master dies, the apprentice goes to the executor or administrator to be maintained, if there are assets; but the executor or administrator may bind him to another master for the remaining part of his time.

N. B. For settlement by apprenticeship, see that article under *Poor*.

Arraignment.

2 H. H. 216.

ARRIGNMENT is nothing else but the calling the offender to the bar of the court, to answer the matter charged upon him.

2 H. H. 219.

The prisoner on his arraignment, though under an indictment of the highest crime, must be brought to the bar without irons and all manner of shackles or bonds, unless there be a danger of escape, and then he may be brought with irons.

Arrest.

Arrest.

POWER is given to the justices of the peace, to take and arrest all those whom they may find by indictment, or by suspicion, and to put them in prison. 34 Ed. 3. c. 1.

By the justices' oath of office, the warrant ought not to be directed to the party, but to some indifferent person, to execute it. Burn, vol. 1.

Constables and others may, on having the warrant indorsed by a justice in another county, into which an offender shall have escaped, arrest an offender in such other county, and carry him before the justice who indorsed the warrant, or some other justice or justices of such other county, if the offence is bailable, to find bail; or else shall carry him back again before a justice in the county from whence the warrant did first issue. 24 G. 2. c. 55.

Any justice, or the sheriff, may take of the county any number that he shall think meet, to pursue, arrest, and imprison traitors, murderers, robbers, and other felons; or such as do break, or go about to break, or disturb the king's peace: and every man, being required, ought to assist and aid them, on pain of fine and imprisonment.—Where a justice, sheriff, or other officer, is enabled to take the power of the county, it seemeth they may command and ought to have the aid and attendance of all knights, gentlemen, yeomen, husbandmen, labourers, tradesmen, servants, and apprentices, and of all other persons being above the age of fifteen years, and able to travel.—And in such case it is referred to the discretion of the justice, sheriff, or other officer, what number they will have to attend on them, and how and after what manner they shall be armed or otherwise furnished. Dalt. c. 171.

1. Doors may be broken open upon a warrant from a justice of the peace, to find sureties for the peace or good behaviour. 2 Haw. 86.

—2. An officer upon any warrant from a justice, either for the peace or good behaviour, or in any case where the king is party, may by force break open a man's house, to arrest the offender. 1 H. H. 581.

—3. On a warrant to search for stolen goods, the doors may be broke open, if the goods are there; and if they are not there, the constable seems indemnified, but he that made the suggestion, is punishable. 2 H. H. 117.

—4. Where forcible entry or detainer is found by inquisition before justices of the peace, or appears on their view. Dalt. c. 169.

—5. On the warrant of a justice of the peace for the levying of a forfeiture, in execution of a judgment, or conviction for it, grounded on any statute, which gives the whole or any part of such forfeiture to the king. 2 H. H. 151.

—6. Where an affray is made in a house, in the view or hearing of a constable, he may break open the doors to take them. 2 Haw. 86.

7. If 2 Haw. 87.

7. If

7. If there be disorderly drinking or noise in a house, at an unseasonable time of night, especially in inns, taverns, or ale-houses, the constable or his watch, demanding entrance, and being refused, may break open the doors, to see and suppress the disorder.

Dalt. c. 176.

If the constable come unto the party, and require him to go before the justice, this is no arrest nor imprisonment.

1 H. H. 589.

When a private person hath arrested a felon, or one suspected of felony, he may deliver him to the constable, who may either carry him to gaol, or to a justice of the peace, or he may carry him immediately to a justice of the peace.

2 H. H. 95.

If the constable, or his watch, hath arrested affrayers, or persons drinking in an alehouse at an unseasonable time of night, he may put the persons in the stocks, or in the prison, if there be one in the vill, 'till the heat of their passion or intemperance is over, tho' he deliver them afterwards; or 'till he can bring them before a justice.

1 H. 582.

2 H. 112.

If the arrest is by virtue of a warrant to bring the party before the justice who granted the warrant *specially*, then the officer is bound to bring him before the same justice; but if the warrant be to bring him before *any* justice of the county, then it is in the election of the officer, to bring him before what justice he thinks fit, and not in the election of the prisoner.

2 H. H. 120.

And when he hath brought him to the justice, yet he is in law still in his custody, till the justice discharge, or bail, or commit him.

24 G. 2. c. 44.

No action shall be brought against any constable or other officer, or person acting by his order, and in his aid, for any thing done in obedience to the warrant of a justice of the peace, until demand hath been made of the perusal and copy of such warrant, and the same hath been refused or neglected for six days after such demand.

Affault and Battery.

1 Hawk. 133.

ASSAULT is an attempt or offer, with force and violence, to do a corporal hurt to another, by striking at him with or without a weapon; or by any other such like act, done in an angry, threatening manner.

1 Hawk. 134.

One charged with an assault and battery, may be found guilty of the assault, and yet acquitted of the battery; but every battery includes an assault.

1 Hawk. 130.

If an officer, having a lawful warrant, lay hands on another to arrest him, or if a parent in a reasonable manner chastise a child, a master his apprentice, a school-master his scholar; in all these cases, and such like, it is justifiable.

Where

Affault and Battery.

15

Where a man in his own defence beats another who first assaults him, he may take advantage thereof, both upon an indictment, and upon an action. 1 Haw. 134.

Affizes.

ALL justices of the peace, mayors, &c. of that county where the judges have their affizes, are bound to be present; and if they make default, without lawful impediment, the judges may set a fine upon them for their neglect. Crown Circ. Comp. 4.

Attorney.

NO attorney or solicitor shall be capable to continue or be a justice of the peace, during such time as he shall continue in the business and practice of an attorney or solicitor. 5 G. 2. c. 18.

Auction.

NO person exercising the trade or business of an auctioneer, shall presume to deal in, vend, or sell, any estate, goods, or effects whatsoever, by public sale or otherwise, by way of auction, without taking out a licence.—If any person shall act without such licence, he shall forfeit 100*l.* if within the bills; and elsewhere, 50*l.* 19 G. 3. c. 56.

If the sale shall be rendered void, by reason that the person, for whose benefit the estate or goods were sold, had no title or right to dispose thereof, the auctioneer, who paid the duty, may complain to the commissioners of excise, or justices of the peace within whose jurisdiction respectively the sale was made, who may hear and determine all such complaints, and relieve the party complaining of so much as shall appear to have been overpaid.

[Backing a Warrant. See Warrant.]

Bail.

Bail.

Hale's, Pl. 96. **B**AIL signifies the delivery of a man out of custody, upon the undertaking of one or more persons for him, that he shall appear at a day limited, to answer and be justified by the law.—The difference between bail and mainprize is, that mainperners are only surety, but bail is a custody.

Hale's, Pl. 98. If a person be brought before a justice, if it appears that no felony is committed, he may discharge him; but if a felony be committed, tho' it appears not that the party accused is guilty, yet he cannot discharge him, but must commit or bail him.

2 Inst. 186. In case of homicide, the offender is not bailable.

If a person has dangerously wounded another, the justice ought to be very cautious how he takes bail, till the year and day be past.

No distinction seems here to be made respecting bail, between such homicide as is malicious, and that which happens by misadventure or in self-defence.

Any two justices (1 Q.) may of common right bail persons indicted at the sessions.

1 & 2 P. & M. c. 13.

If a person be arrested for *manslaughter*, or *felony*, or *suspicion thereof*, being bailable by law, he shall not be let to bail or mainprize by any justices, but in open sessions, except it be by two justices at the least (1 Q.) and the same to be present together at the time of the said bailment.

And the said justices, or one of them, being of the quorum, shall take the examination of the said prisoner, and information of them that bring him, and the same, or as much thereof as shall be material to prove the felony, shall be put in writing before they make the bailment:—Which examination, together with the bailment, the said justices shall certify at the next general gaol delivery to be holden within the limits of their commission.

And the said justices shall have power to bind all such by recognizance as do declare any thing material to prove the offence, to appear at the next general gaol delivery to give evidence against the party on his trial.—And shall certify the same in like manner.

In London, Middlesex, and in other cities and towns corporate, justices may let prisoners to bail, as they might before this act; but when they do bail, they are to take and certify the bail and examination as is here directed.

1 W. & M. 2. c. 2.

By the declaration of rights, excessive bail ought not to be required.

2 Haw. 90.

To refuse bail, where the party ought to be bailed, is a misdemeanor punishable by indictment.

Admitting

Banks destroying.

17

Admitting bail, where it ought not, is punishable by the judges of assize by fine; or punishable as a negligent escape at common law. *H. P. 97.*

Altho' the constable by his own authority, without any warrant of commitment, may carry offenders to gaol, yet, since the institution of the office of justices of the peace, it is better that they be carried before a justice, to be sent by him to gaol by warrant of commitment. *Burn. V. I. p. 151.*

The warrant of commitment ought to set forth the cause especially; that is to say, not for treason, or felony in general, but treason *for counterfeiting the king's coin*, or felony *for stealing the goods of such a one to such a value*, and the like; that the court may judge whether the offence is such, for which a prisoner ought to be admitted to bail. *Id.*

Banks destroying.

IF any person shall unlawfully and maliciously break down or cut down the bank of any river or sea bank, whereby any lands shall be overflowed or damaged, he shall be guilty of felony without benefit of clergy. *6 G. 2. c. 37.*

And if any person shall remove any materials, driven into the ground, and used for the securing any marsh or sea-walls, or banks, on complaint or information thereof made upon oath to any justice residing near the place, such justice shall summon the party complained of, or shall issue his warrant to apprehend and bring such person before him; and upon his appearance, or neglect to appear, he shall proceed to examine the fact, and upon due proof thereof made either by confession, or oath of one witness, shall convict the offender; who shall thereupon forfeit 20l. half to the informer, and half to the overseer for the use of the poor, to be levied by distress and sale: for want of sufficient distress, to be committed to the house of correction, to be kept to hard labour for six months. *10 G. 2. c. 32.*

Bankrupt.

NO commission of bankruptcy shall be issued on the petition of one or more creditors, unless the single debt of such creditor, or of two or more being partners, amount to 100l.; or of two such creditors petitioning amount to 150l.; or of three or more to 200l.—On certificate under the hands and seals of the commissioners, that such a commission is issued, and such a person proved before them to become bankrupt, any judge, or justice of the peace, shall, on application to them

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for that purpose made, grant their warrant for the taking and apprehending such person, and commit him to the common gaol, there to remain until he be removed by order of the commissioners by their warrant.—The bankrupt, after assignees shall be appointed, shall deliver up to them an oath (to be administered by a master in chancery, or justice of the peace) all his books of account, papers, and writings not seized by the messenger of the commission, and not before delivered up, and then in his power, and discover such as are in the power of others.

Barratry.

34 Ed. 3. c. 1.

BARRATRY signifies a quarrel or contention.—The justices of the peace shall have power to restrain all barrators, and to pursue, arrest, take, and chastise them, according to their trespass or offence.

Bastards.

1 Inst. 244.

WE term all by the name of bastards, that are born out of lawful marriage; but if the issue be born within a month, or a day, after marriage between parties of full lawful age, the child is legitimate.

5. G. 2.

Pendrell & Pendrell.

Though the husband and wife are both in England, if there is sufficient proof that he had no access to her, the child will be a bastard.

But this non-access of the husband ought to be proved otherwise than upon the wife's oath.

6 G. 2. c. 31.

If any single woman shall be delivered of a bastard child, which shall be chargeable, or likely to become chargeable, or shall declare herself to be with child, and that such child is likely to be born a bastard, and to be chargeable; and shall, in either of such cases, in an examination to be taken in writing, upon oath, before one justice of the county, city, or town corporate, where such parish or place shall lie, charge any person with having gotten her with child; it shall be lawful for such justice, upon application made to him by the overseers of the poor of such parish, or one of them, or by any substantial householder of an extraparochial place, to issue out his warrant for the immediate apprehending such person so charged as aforesaid, and for bringing him before such justice, or before

* See Appendix, No. 8. or No. 10.

† See Appendix, No. 9.

any

any other of his majesty's justices of the peace of such county, city, or town corporate:—And the justice, before whom such person shall be brought, shall commit him to the common gaol or house of correction, unless he shall give security to indemnify such parish or place, or shall enter into a recognizance, with sufficient surety, upon condition to appear at the next general quarter sessions, or general sessions of the peace.

If the constable, having a warrant to apprehend the reputed father, shall willingly or negligently suffer him to escape, he may be bound over to the sessions, and there indicted, fined, and imprisoned.

And if such woman shall die, or be married, before she shall be delivered, or miscarry of such child, or shall appear not to have been with child at the time of her examination, such person shall be discharged from his recognizance at the next sessions, or immediately released out of custody by warrant of one justice residing in or near the limits where such parish or place shall lie; who shall summon the overseers of the poor to appear before him, to shew cause why such person should not be discharged.

It shall not be lawful for any justice to send for any woman, before she shall be delivered, and one month after, in order to her being examined concerning her pregnancy; or to compel any woman, before she shall be delivered, to answer any questions relating to her pregnancy.

If security hath not been given to indemnify the parish, two justices (12.) in or next unto the limits where the parish church is, within which parish such bastard shall be born, upon examination of the cause and circumstance, shall and may, by their discretion, take order, as well for the punishment of the mother and reputed father, as also for the better relief of such parish, in part or in all; and shall and may, by like discretion take order for the keeping of every such bastard child, by charging such mother or reputed father, with the payment of money weekly, or other sustentation, for the relief of such child, in such ways as they shall think meet and convenient: and if the mother or reputed father shall not observe and perform the said order, every such party so making default shall be committed to ward to the common goal, there to remain without bail or mainprise, except he or she shall put in sufficient surety to perform the said order, or else personally to appear at the next general sessions of the peace.†

18 Eliz. c. 3.

All justices of the peace, within their several limits and precincts, and in their several sessions, may do and execute all things concerning that part of the said statute of 18 Eliz. that

3 C. c. 4.

* See Appendix, No. 12.—† See Appendix, No. 13.

† In London or Middlesex there are four general sessions in the year, besides the quarter sessions.

by the justices in their several counties are by the said statute limited to be done.

3 C. c. 4.

If the two next justices make not provision for the bastard, the justices at their quarter sessions shall settle an order for keeping of the bastard, as the two next justices ought.

Concerning bastards being left to be kept at the charges of the parish where born, the two next justices shall take order therein, as well for the punishment of the mother and reputed father, as for the relief of the parish.

7 J. a. c. 4.

Every lewd woman, who shall have any bastard, which may be chargeable to the parish, the justices of the peace shall commit her to the house of correction, there to be punished and set to work, during the term of one whole year; and if she shall afterwards offend again, she is then to be committed to the said house of correction as aforesaid, and there to remain, until she can put in good sureties for her good behaviour, not to offend so again.

13 & 14 C. 2.
c. 12.

If the putative father or lewd mother of a bastard child run away out of the parish, and leave the bastard children upon the charge of the parish where they were born, although they have estates sufficient to discharge the parish; it shall be lawful for the churchwardens and overseers of the poor of such parish to take and seize so much of the goods, and receive so much of the annual rents or profits of the lands of such putative father or lewd mother, as shall be ordered by any two justices, towards the discharge of the parish, to be confirmed at the sessions, for the bringing up and providing for such bastard child; and thereupon the sessions may make an order for the churchwardens or overseers of the poor of such parish, to dispose of the goods by sale or otherwise, or so much of them for the purposes aforesaid, as the court shall think fit, and to receive the rents and profits of the lands, or so much of them as shall be so ordered by the sessions.

21 J. c. 27.

If any woman be delivered of a bastard, and she endeavour so to conceal the death thereof, as that it may not come to light, whether it were born alive or not, but be concealed, she shall suffer death as in case of murder, except she can prove, by one witness at least, that the child was born dead.

Beer, Ale, Worts, &c.

25 G. 3. c. 73.

FROM July 5, 1785, Every person selling beer, ale, or worts, in a less quantity than in a cask of four gallons and a half, at any one time, shall be deemed a retailer, and shall not be entitled to any allowance for waste by leakage, &c.

Any two or more justices of the peace in England and Scotland respectively, without the limits of the head office of excise,

excise, may order an allowance of 22l. for every 252 gallons of spirits made from malt, corn, or grain, where the duties have been already paid on the stock in hand, between October 22 and November 1, 1784.

Every distiller applying for such allowance must give to the supervisor or collector six days notice of his intention to apply to the commissioners of excise, or justices of the peace, that he may attend, and shew what the stock amounted to in October 1784.

The allowance once ascertained shall never again be examined.

The petition for allowance must be verified on oath before two commissioners, or two justices, as to the amount of the allowance claimed, the place where the spirits were made, and all other particulars set forth in the petition.

Bent.

A SORT of rush or shrub, growing on the north west coasts of England. 15 G. 2. c. 33.

If any person, without consent of the owner, shall cut, pull up, or carry away any starr or bent, on complaint thereof on oath to one justice, the offender shall be summoned, and on default of appearing, the justice shall issue his warrant to apprehend and bring him before him; and being convicted on oath of one witness, or confession, he shall forfeit 20s. half to the informer, and half to the owner of the bent, by distress; and for want of sufficient distress shall be sent to the house of correction for three months, to be kept to hard labour; and for a second offence, be committed to the house of correction for one year, to be whipt and kept to hard labour.

[Bigamy. See Polygamy.]

Black-Act.

OFFENCES against this act: 9 Geo. 1. c. 22.

By persons armed or disguised,

1. In any forest, park, or grounds inclosed, wherein deer are or have been kept.
2. In any warren for hares or conies.
3. In any high road, open heath or common, &c.
4. Wounding, killing, or stealing red or fallow deer.
5. Robbing

5. Robbing any warren for hares or conies.
6. Stealing any fish out of a river or pond.
By persons, whether armed and disguised, or not.
7. Unlawfully wounding, destroying or stealing any red or fallow deer, in the king's forests or chases inclosed.
8. Breaking down the head or mound of a fish-pond.
9. Maliciously killing, maiming, or wounding cattle.
10. Cutting down or destroying trees planted for ornament, shelter, or profit.
11. Setting fire to any house, barn, hay-rick, stack of corn, straw, wood, &c.
12. Maliciously shooting at any person, in an house or elsewhere.
13. Sending a threatening letter, demanding money, or any thing valuable.
14. Rescuing any person in lawful custody for any of the said offences.
15. Procuring any person, by gift or reward, to join in any such unlawful act.
16. Maliciously cutting down the bank of any river, or sea-bank.
17. Maliciously cutting any hop-binds growing on poles.
18. Maliciously setting on fire any mine, pit, or delph of coal, &c.

Every person so offending, being thereof lawfully convicted (in any county in England) shall be adjudged guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy; but not to work corruption of blood, nor forfeiture of lands or goods.

27 El. c. 13.

And the inhabitants of the hundred shall make satisfaction (not exceeding 200l.) for the damages sustained by No. 9, 10, 11, 16, 17, 18.—But no person shall be enabled to recover damages, unless he shall, by himself or servant, in two days after the damage done, give notice of the offence; and shall, in four days after such notice, give in his examination on oath, or the examination on oath of his servant, who had the care of the same, before a justice inhabiting in or near the hundred, whether he knows the person or persons that committed the fact, or any of them; and if, upon such examination, it be confessed, that the examinant knows the said persons, or any of them, then such person confessing, shall be bound by recognizance to prosecute the offender by indictment or otherwise, according to law. And if an offender be apprehended and lawfully convicted, in six months after the offence committed, the hundred shall not be liable. And the action shall be commenced within one year after the offence committed.—And if any person shall be killed, or wounded so as to lose an eye, or the use of any limb, in apprehending or securing any such offender, on proof thereof made at the sessions, by the persons so wounded, or the ex-

ecutors

ecutors or administrators of the party killed, the justices shall give a certificate thereof, by which they shall be intitled to receive of the sheriff 50l: in 30 days from the time the certificate shall be shewed to him, on pain of forfeiting to the party 10l.

Blasphemy and Profaneness.

NO person shall have any benefit of the toleration act, who shall deny in his preaching or writing, the doctrine of the blessed Trinity, as it is set forth in the 39 articles.

1 W. sess. 1.
c. 18.

If any person shall in any stage-play, interlude, or shew, jestingly or profanely speak or use the holy name of God, or of Christ Jesus, or of the Holy Ghost, or of the Trinity, he shall forfeit 10l. half to the king, and half to him that shall sue.

3 Jac. 1. c. 21.

If any person, having been educated in, or at any time having made profession of the Christian religion in this realm, shall, by writing, printing, teaching, or advised speaking, deny any one of the Persons in the Holy Trinity to be God; or shall assert or maintain there are more gods than one; or shall deny the Christian religion to be true, or the Holy Scriptures to be of Divine authority; and shall be convicted thereof, in any of the courts at Westminster, or at the assizes, on the oaths of two witnesses, he shall, for the first offence, be incapable to have any office ecclesiastical, civil, or military (unless he shall renounce such opinion in the court where he was convicted, within four months after such conviction); and for the second offence, he shall be disabled to be plaintiff, guardian, executor, or administrator, to take any gift or legacy, or to bear any office, and shall be imprisoned for three years. But no person shall be prosecuted for any words spoken, unless the information be given to a justice of the peace, within four days after the words spoken, and the prosecution of such offence be within three months after such information.

9 & 10 W. c.
32.

Books.

IF any book shall be taken, or otherwise lost, out of any parochial library, any justice may grant his warrant to search for it; and if it shall be found, it shall, by order of such justice, be restored to the library.

7 Ann. c. 14.

Bread.

Bread.

31 G. 2. c. 29.

IT shall be lawful for the court, or for the person or persons herein authorized to set the assize of bread, to set or ascertain in any place within their jurisdiction, the assize and weight of all sorts of bread, which shall be made for sale, or exposed to sale, and the price to be paid for the same, when and as often as they shall think proper.—Where an assize shall be thought proper to be set, if any person shall offend, and be convicted thereof, by confession or oath of one witness, before any magistrate or justice within the limits of their jurisdiction, he shall forfeit not exceeding 40s. nor less than 20s.—If the justices shall, in their sessions, think fit to order that the assize of bread, which shall be set for such a particular hundred or place, may extend to or comprize any other hundred or place, it shall be lawful for them so to do. And an entry shall be made from time to time by the clerk of the market, or other person, of every return by him made; and also of the rate at which the price, assize, and weight of bread shall be set within his jurisdiction; which book any inhabitant may, at all seasonable times in the day, inspect without fee.—If any clerk of the market, or other person appointed to make returns, shall neglect, omit, or refuse to do any thing by this act required to be done by him, or shall designedly or knowingly make any false return, he shall, on conviction by oath of one witness, or by confession, forfeit not exceeding 10l. nor less than 40s.—If any bread for sale shall be complained of for wanting weight, it shall be brought before some justice within the jurisdiction, and weighed before him within three days after the same shall have been baked, sold, or exposed to sale; and the baker shall forfeit from 1s. to 5s. for every ounce that is wanting; and from 6d. to 2s. 6d. for every deficiency less than an ounce; unless it be made out to the satisfaction of such magistrate or justice, on the behalf of the party complained of, that such deficiency in weight wholly arose from some unavoidable accident in baking, or otherwise, or was occasioned by some contrivance or confederacy.

11.

If information shall be given on oath, to any magistrate or justice, that there is reasonable cause to suspect, that any miller or any maker of bread for sale doth mix up any ingredient, not the genuine produce of the grain, it shall be lawful for any peace-officer, authorized by the warrant of such magistrate or justice, at all seasonable times in the day-time, to enter into any house, bake-house, &c. and to search and examine whether any ingredient shall have been mixed up with, or put into any meal or flour, whereby the purity of any meal or flour shall be in any wise adulterated: And if any magistrate

or

or justice, to whom any thing seized shall be brought, shall adjudge that any mixture or ingredients shall have been put into such meal or flour; in such case, every such magistrate or justice is hereby required to dispose of the same, as he in his discretion shall think proper.

The mayor of London, or any alderman thereof, within the said city or liberties, and one justice within the several counties, ridings, &c. may hear and determine, in a summary way, all offences against this act, and summon before him the party accused; and if he shall not appear, then, on oath made of the offence by one witness, he shall issue his warrant for apprehending the offender; and shall proceed to enquire of the offence, and to examine any witness or witnesses, who shall be offered on either side upon oath, and shall convict or acquit the party accused: And if the *penalty, on such conviction, shall not be paid within 24 hours after such conviction, such magistrate or justice shall issue his warrant, directed to any peace-officer, to make distress; and if any offender shall convey away his goods out of the jurisdiction of such magistrate or justice, then some magistrate or justice, within whose jurisdiction the offender shall have removed his goods, shall back the said warrant, and thereupon the penalty shall be levied by distress, and if it be not paid within five days, the distress shall be appraised and sold, rendering the overplus after all the charges, to be ascertained by the magistrate, shall be paid; and for want of such distress, such offender shall be committed to the common gaol or house of correction for one calendar month, unless payment shall be sooner made. If any person convicted shall think himself aggrieved, he may appeal to the next sessions.

Other regulations have been since made, altho' no assize is set, and further provisions enacted.—Every wheaten loaf shall be marked with a large Roman W; household with a large Roman H; and if any person shall sell or offer to sale any such loaf unmarked (except as to such loaves which shall be rasped by the desire of the purchaser for his own use) he shall forfeit for every such loaf, not exceeding 40s. nor less than 10s.; unless it shall appear to the satisfaction of the justice to whom complaint shall be made, that the not marking arose from some unavoidable accident, or was occasioned by some contrivance or confederacy. 3 G. 3. c. 11.

And bread made of any other grain than wheat, shall be marked with some letter or letters not more than two, as the justices in their general, quarter, or special sessions shall order, which order shall be entered in a book; and the justices shall cause a copy to be put up in some market or other town or public place within the division, or otherwise to be inserted in some public newspaper. Id.

* Of 10l. to 40s. if the master, of 5l. to 20s. if the journeyman offends.

3 G. 3. c. 11.

It shall be lawful for any justice, or peace-officer authorised by warrant of such justice, to enter into any house, bakehouse, &c. belonging to any baker or feller of bread; and to search, view, weigh, and try all or any bread which shall be there found: And if any bread shall, on any search or trial by any justice, or on proof made before him by the oath of one witness, be found to be deficient in weight, or not truly marked, or deficient in the due baking or working thereof, or wanting in the goodness of the stuff, or made with any mixture of meal or flour of any other grain than the same shall import to be made with, or with any thing in lieu of flour, or made with any leaven not allowed by the said former act, such justice or peace-officer may seize the same, and dispose thereof to poor persons as to such justice shall seem fit; and the maker or feller shall forfeit not exceeding 5*l.* nor less than 2*s.*

Id.

If any person shall obstruct or oppose any such search, or seizure of such bread, he shall forfeit not exceeding 4*s.* nor less than 2*s.*—No miller, mealman, or baker, shall be capable of acting as a justice in the execution of this act: if he do, he shall forfeit 5*l.* to him who shall inform or sue for the same.

13 G. 3. c. 62.

Whereas by the 31 G. 2. c. 29. and 3 G. 3. c. 11. only two sorts of bread made of wheat are allowed to be made for sale, that is to say, Wheaten and Household; and whereas according to the ancient order and custom of the realm, there hath been, from time immemorial, a STANDARD WHEATEN BREAD, being the whole produce of the wheat whereof it was made; it is therefore enacted, that from henceforth a bread made of the flour of wheat, which flour, without any mixture or division, shall be the whole produce of the grain, the bran or hull thereof only excepted, and which shall weigh three-fourth parts of the weight of the wheat whereof it shall be made, may be made and sold, and shall be called and understood to be a *standard wheaten bread*.—And the maker shall mark every loaf thereof with the capital letters S. W. and the same may be made and sold, altho' no assize be set, of the weight and in the proportion following, viz.—That every standard wheaten peck loaf shall weigh 17 lb. 6 oz. averdupois; every half peck loaf 8 lb. 11 oz.; and every quartern loaf 4 lb. 5½ oz.

31 G. 2. c. 29.

The justices, at any general or quarter sessions, may prohibit, for three months, the makers of bread for sale, from making or exposing to sale any other one or more sorts of bread, purporting to be of a superior quality, and sold at a higher price, than the standard wheaten bread aforesaid.—Provided, that no such order of prohibition shall take place, until one calendar month at least after the date of the making thereof. And the justices shall cause a copy of such order to be put up in some market or other public town within the district,

trict, or shall cause the same to be inserted in some public newspaper published within such district.

Coarse bread, of a cheaper sort than the standard wheaten, may be sold, at a price under that of household bread.—Nothing herein shall extend to prejudice the rights of London, Westminster, and the two Universities.

Bricks and Tiles.

EVERY plain tile shall be 10½ inches long, 6½ broad, and half an inch and half a quarter thick: Roof tile, 13 inches long, half an inch and half a quarter thick, with convenient deepness: Gutter tile, and cover tile, 10½ inches long, with convenient thickness, breadth, and deepness.—If any person shall set to sale any such tile otherwise made, he shall forfeit to the buyer double value of the tile, and make fine and ransom at the king's will; to be recovered by action of debt, with costs. And also the justices of the peace and every of them may hear and determine offences against this act; who shall assess upon the offender no less fine than for every 1000 plain tiles 5s. for every 100 roof tile 6s. 8d. and for every 100 corner or gutter tiles 2s. 17 Ed. 4. c. 4.

All bricks made for sale, shall, when burned, be not less than eight inches and a half long, two inches and a half thick, and four inches wide; and all pantiles, not less than 13 inches and a half long, nine inches and a half wide, and half an inch thick: on pain that the maker shall forfeit 20s. for every 1000 bricks, and 10s. for every 1000 pantiles.—All combinations for enhancing the price of bricks or tiles, shall be void; and every brick-maker or tile-maker offending therein, shall forfeit 20l. and every clerk, agent, or servant, 10l.; half to the poor, and half to him who shall sue in six calendar months in one of the courts at Westminster. 27 G. 3. c. 42.

All other penalties and forfeitures, not herein otherwise directed, shall be recovered before one justice, within one calendar month, on proof by confession or oath of one witness; to be levied by distress, and distributed half to the informer, and half to the poor of the parish where the offender dwells; or the justice shall commit the offender to the common gaol, for any time not exceeding two calendar months, unless such penalties shall be sooner paid. Persons aggrieved may appeal within four calendar months, to the general quarter sessions, giving 21 days notice to the party complained against, and within eight days after such notice entering into recognizance to pay the costs.

Bridges.

9. H. 3. c. 1. **N**O town nor freeman shall be distrained to make bridges nor banks, but such as of old time and of right have been accustomed.
- 22 H. 8. c. 5. The justices, or four of them at the least, (1 2.) shall have power to enquire, hear, and determine in the general sessions, of all manner of annoyances of bridges broken in the highways, to the damage of the king's liege people, and to make such process and pains upon every presentment, against such as ought to be charged to make or amend them, as the king's bench usually doth, or as it shall seem by their discretion to be necessary and convenient, for the speedy amendment of such bridges.
- 12 G. 2. c. 29. No money shall be applied to the repair of bridges, until presentment be made by the grand jury at the assizes or sessions, of their insufficiency, inconveniency, or want of reparation.
- Id.* The charges of repairing and amending bridges, and highways at the ends of bridges, shall be paid out of the general county rate.
- 22 H. 8. c. 5. The four justices, in sessions as aforesaid, may appoint two surveyors, with salaries, to see the bridges amended.
- This business of surveying the bridges, is usually annexed by the justices to the office of the high constables.
- 14 G. 2. c. 33. The justices, at their sessions, may purchase any parcel of land, adjoining or near to any county bridge, for the more commodious enlarging, or rebuilding the same, not exceeding one acre, to be paid for by the treasurer out of the county rates.
- 12 G. 2. c. 29. The justices, at their general or quarter sessions, after presentment made by the grand-jury of their want of reparation, may contract with any person for rebuilding, repairing, and amending the same, for any term not exceeding seven years, at a certain annual sum.

Burglary.

Hale's Pl. 79.

BURGLARY is a felony at common law, in breaking and entering the *mansion-house of another or outhouses, being parcel of the messuage, in the night, with intent to commit some felony within the same, whether the felonious intent be executed or not.

* N. B. This includes churches, and the walls and gates of a walled town. 1 *Haw.* 103.

Every entrance into the house by a trespasser, is not a breaking in this case. If the door of a mansion-house stand open, and the thief enter, this is not breaking. If the window of the house be open, and a thief with a hook or other engine draweth out some of the goods of the owner, this is no burglary;—but if the thief breaketh the glass of the window, and draweth out the goods, this is burglary. 3 Inst. 64.

Opening the casement, or breaking the glass window, picking open the lock of a door, or putting back the lock or the leaf of a window, or unlatching the door that is only latched, is burglary. 1 H. H. 353.

If any person shall enter into the mansion-house of another, by day or night, without breaking the same, with an intent to commit felony, or being in such house shall commit any felony, and shall in the night time break the said house to get out, he shall be guilty of burglary. 12 An. c. 7.

If divers come in the night to do a burglary, and one of them break and enter, the rest of them standing to watch, at a distance, this is burglary in all. 3 Inst. 64.

Every person, who shall apprehend any one guilty of burglary, and prosecute him to conviction, shall have a certificate without fee, under the hand of the judge, certifying such conviction; and if any dispute arise between several persons so discovering or apprehending, the judge shall appoint the certificate into so many shares to be divided among the persons concerned, as to him shall seem just and reasonable.—And if any person shall happen to be slain by such burglar, in endeavouring to apprehend him, the executors or administrators of such person slain shall have the like certificate; which certificate shall be inrolled by the clerk of the peace of the county in which it shall be granted; for which he shall have 1s. and no more: And the said certificate shall be once assigned over; and the original proprietor, or the assignee of the same, shall by virtue thereof be discharged from all manner of parish and ward offices, within the parish and ward where the felony was committed. 10 & 11 W. c. 23.

And moreover, on tender of such certificate to the sheriff, and demand made, he shall pay to the person so intitled, the sum of 40l. without fee or deduction, within one month after such tender and demand, on pain of forfeiting double, with treble costs. 5 An. c. 31. 6 G. 3. c. 23.

If any person, being out of prison, shall commit any burglary, and afterwards discover two or more of the like offenders, so as two or more be convicted, he shall have the reward and allowance of 40l. and also all other advantages which are given to persons who shall apprehend and convict any like offenders; and shall also have the king's pardon for all burglaries. 5 An. c. 31.

glaries, robberies, and felonies (except murder and treason) by him committed before such discovery made.

Burning.

1 *Haw.* 105.

MALICIOUSLY and voluntarily burning the house of another, by night or by day, is felony at the common law.

4 & 5 *P. & M.*
c. 4.

Every person who shall maliciously command, hire, or counsel any person, wilfully to burn any dwelling-house, or any part thereof, or any barn then having corn or grain in the same, shall not have the benefit of his clergy.

43 *El. c.* 13.

Whoever shall wilfully and of malice burn, or cause to be burned, or aid, procure, or consent to the burning of any barn, or stack of corn or grain, within any of the counties of Cumberland, Northumberland, Westmoreland, and Duresme, shall be guilty of felony without benefit of clergy. [See *Black Act*] And justices of the peace in sessions may hear and determine the same. If any person shall, in the night time, maliciously and willingly burn, or cause to be found any ricks, or stacks of corn, hay, or grain, barns, or other houses, &c. he shall be guilty of felony, but without corruption of blood, or disinheritorship of heirs; and the judges of assize, or three justices of the peace (1 *Q.*) may determine the same, so that the prosecution be within six months: and the said justices, on request of the party injured, shall issue their warrant for apprehending all such persons as shall be suspected thereof, and take their examination: and shall cause all others who to them shall seem likely to make discovery, to appear before them, and give information on oath; and if such witness, being duly summoned, shall refuse to appear, or to be examined, they may commit him to the common gaol, till he submit to be examined upon oath; and they shall issue warrants for summoning jurors; and any person found guilty shall be transported for seven years.

3 *Ed. 1. c.* 15.

Such as be taken for house-burning feloniously done, are not bailable by justices of the peace.

1 *Ann. st.* 2.
c. 9.

If any ship-officer or mariner shall wilfully burn the ship to which he belongeth, or procure the same to be done, to the prejudice of the owner of the ship or goods, he shall be guilty of felony without benefit of clergy.

1 *G. st. c.* 48.
6 *G. c.* 16.

If any person shall set fire to any mill, &c. or shall, by day or by night, in a riotous, open, and tumultuous, or in a secret and clandestine manner, forcibly, or wrongfully and maliciously, burn any wood, or springs of wood, or coppice wood, he shall be guilty of felony.

And

Burning.

31

And any two justices, or the justices in sessions, may cause the offender to be apprehended, and hear, and determine and adjudge the offence. 6 G. c. 16.

If any person shall set fire to, burn or destroy any goss, furze, or fern, in any forest or chase without consent of the owner or person chiefly entrusted with the custody of such forest or chase, and being brought before a justice, shall be thereof convicted by confession, or oath of one witness, he shall forfeit not exceeding 5l. nor less than 40s. half to the informer, and half to the poor; if not forthwith paid, to be levied by distress; and if no sufficient distress can be found, the justice shall commit him to the common gaol for any time not exceeding three months, nor less than one month. 28 G. 2. c. 19.

If any person shall burn or cause to be burnt, any wain or cart, laden with coals, or any merchandize, or any heap of wood prepared, for making coals, or billets, he shall forfeit treble damages to the party grieved, to be recovered by action of trespass: and also 10l. as a fine to the king. 37 H. 8. c. 6.

If any servant, through negligence or carelessness, shall fire or cause to be fired any dwelling house or outhouse or houses, and be thereof convicted on the oath of one witness before two justices, he shall forfeit 100l. to the churchwardens of the parish where the fire shall happen, to be distributed by them to the sufferers, in such proportions as to them shall seem just; and if he do not pay the same immediately on demand to the churchwardens, the said justices shall commit him to some workhouse, or house of correction, for 18 months, there to be kept to hard labour. 6 An. c. 31.

Any justice may cause to come before him, all those, who to any of the people, concerning the firing of their houses, have used threats, to find sufficient security for the peace or their good behaviour towards the king and his people; and, if they shall refuse to find such security, may cause them to be safely kept in the king's prisons, until they shall find such security.

If any person shall send any letter, without any name subscribed thereto, or signed with a fictitious name, threatening to burn any house, outhouse, barn, stack of corn or grain, hay or straw; he shall be guilty of felony without benefit of clergy. 9 G. c. 22.

Burying in Woollen. See Woollen Manufacture.

Butcher.

IF any butchers shall conspire not to sell their victuals but at certain prices; every such person shall forfeit for the first offence 10l. to the king, and if not paid in six days, he shall suffer 2 & 3 Ed. 6. c. 15.

Butcher.

suffer twenty days imprisonment, and shall have only bread and water for his sustenance; for the second offence 20l. in like manner, or the pillory; and for the third offence 40l. or pillory, and the loss of an ear, and to be taken as a man infamous, and not to be credited in any matter of judgment.—And the sessions or leet may determine the same.

3 C. c. 2.

If any butcher shall kill or sell any victual on the Lord's day, he shall forfeit 6s. 8d. one third to the informer, and two thirds to the poor, on conviction before one justice, on his own view, or confession, or oath of two witnesses, to be levied by the constable or churchwarden.

1 Jac. c. 22.

No butcher shall be a tanner or currier, on pain of 6s. 8d. a day.

N. B. *This statute of Edw. VI. extends to any artificers, and workmen conspiring, upon oath, not to work, but at a certain price or rate, or not to work but at certain hours and times.*

Butter and Cheese.

13 & 14 C. 2.
c. 26.

EVERY person packing up butter for sale, shall set upon every firkin and cask, when the same is fully seasoned in water, a continuing visible mark of the just weight of the empty cask; on pain of forfeiting for every offence the sum of ten shillings for every hundred weight of butter otherwise packed, and so proportionably for a greater or lesser quantity; half to the churchwardens and overseers for the use of the poor, and half with double costs to him who shall sue for the same in sessions, within four months, by action of debt, indictment, information, or presentment.

Every kilderkin of butter shall contain 112 pounds, and every firkin 56 pounds neat, or above: every pound containing 16 ounces, besides the tare of the cask, of good and merchantable butter; and every pot of butter shall contain 14 pounds neat, or above, besides the weight of the pot.

Buttons.

13 & 14 C. 2.
c. 13.
4 W. c. 10.

NO person shall sell or offer to sale, or import, any foreign buttons whatsoever; on pain that he, who shall offer them to sale, shall forfeit the same and 50l. and the importer shall forfeit the same and 100l. half to the king, and half to him that shall sue.—And on complaint and information given to a justice of the peace, he shall issue his warrant to the constable, to enter and search for such manufactures in the shops being open, or warehouses, and dwelling houses of such persons as shall be suspected, and to seize the same.

No

No person shall make, sell, or set on any buttons made of wood only, and turned in imitation of other buttons; on pain of forfeiting 40s. a dozen, half to the king, and half to him that shall sue in any court of record.—No person shall make, sell, or set on, any buttons made of cloth, serge, drugget, frize, camlet, or other stuffs of which clothes are usually made; on pain as above.

No taylor or other person shall set on any clothes, any buttons or button-holes, made of serge, or other stuffs of which clothes are usually made; on pain of 5l. a dozen, half to the king, and half to him that shall sue; or on complaint to two justices, they may summon witnesses, and levy the penalty, and return the overplus, if any be; and if any person is aggrieved, he may appeal to the next sessions. 8 An. c. 3,

No taylor or other person shall set on any clothes, buttons made of, or bound with, cloth, &c. (velvet excepted) on pain of 40s. a dozen.—To be determined by one justice, on oath of one witness, in three months after the offence; and to be distributed (charges of conviction first deducted) half to the informer, and half to the poor of the parish or place where the offence shall be discovered: if not paid in 14 days, the justice shall issue his warrant to the constable to levy it by distress and sale; and where no sufficient distress can be found, the offender shall be committed to the common gaol to hard labour for three calendar months.—All clothes made with such buttons and button holes, *exposed to sale*, shall be forfeited. 4 G. c. 7.

No person shall use or wear on any clothes (velvet excepted) any such buttons or button-holes, on pain of 40s. a dozen, on conviction by confession, or oath of one witness; and any justice of the peace, where the offence shall be committed, or the offender shall inhabit, shall on complaint or information on oath, of any credible person, in one month after the offence, summon the party, and on his appearance or contempt, examine the matter; and on due proof by confession, or oath of one witness, convict the offender, and cause the forfeiture by his warrant to be levied by distress and sale; the said penalties to be half to him on whose oath the party shall be convicted, and half to the poor of the parish, where the offence shall be committed.—And persons aggrieved may appeal to the next quarter sessions, giving eight days notice. 7 G. 3. c. 12.

Cabbages, Stealing, See Turnips.

Cards. See Stamps.

Carriers.

1 *Bac. Abr.* 343.

ALL persons carrying goods for hire, as masters and owners of ships, lightermen, *stage-coachmen*, and the like, come under the denomination of common carriers.

3 *W. c.* 12.

The justices, in Easter sessions yearly, shall rate the prices of all land carriage of goods to be brought *into* any place within their jurisdiction, by any common waggoner or carrier: And no such carrier shall take for carriage above the rates so set, on pain of 5*l.* by distress, by warrant of two justices where such waggoner or carrier shall reside, to the use of the party grieved.

1 *Salk.* 143.

Where goods are delivered to a carrier, and he is robbed of them, he shall be charged, and answer for them, by reason of the hire.

1 *Bac. Abr.* 343.

If a man delivers goods to a common carrier, to carry to a certain place; if he loses or damages them, an action upon the case lies against him; for by the custom of the realm, he ought to carry them safely.—If a person, who is no common carrier, takes upon himself to carry my goods, tho' I promise him no reward, yet, if my goods are lost or damaged by his default, I shall have an action against him.

Read. Car.

A delivery to the carrier's servant is a delivery to the carrier; and if goods are delivered to a carrier's porter, and lost, an action will lie against the carrier.

Comyn 25.

By the custom and usage of stage-coaches, every passenger uses to pay for the carriage of goods above such a weight; and in such case, the coachman shall be charged for the loss of goods beyond such weight.

Kelynge 39.

Where goods are stolen from the carrier, he may prefer an indictment against the felon, as for his own goods.

Carrots. See Turnips.

[*The penalty for stealing carrots is the same as that for stealing turnips, potatoes, cabbages, parsnips, and pease: which are treated of together under the title Turnips.*]

Carts, Wains, Waggon, &c.

23 *G. 3. c.* 66.

EVERY person who shall keep any waggon, wain, cart, or other such carriage, with three or four wheels, (except such carriages as are now charged with any duty under the management of the commissioners of excise) shall yield and pay annually the sum of four shillings for every such waggon,
wain,

wain, cart, or other such carriage as aforesaid, which shall be expressed in a licence for that purpose.—And every person who shall keep any cart or other carriage, with two wheels (except such carriages as are now charged with any duty under the management of the commissioners of excise) shall yield and pay annually the sum of two shillings for every such cart or other carriage, which shall be expressed in a licence for that purpose.—Provided, that no person shall be obliged to pay the said yearly sum of four shillings for more than one such carriage employed in agriculture only, nor for more than three such carriages employed for any other purpose, on which the said duty of four shillings is hereby charged, where such waggons, wains, or other such carriages, are kept by him or her, for his or her own use only, and shall not be used for the carriage of any goods, wares, or merchandise, for hire, or to be let out for hire.

Nothing in this act contained shall extend to charge with the duty hereby imposed, any cart or other carriage with two wheels, employed in agriculture only, and not employed in parks or pleasure grounds, or used for the carriage of any goods, wares, or merchandise, for hire, or to be let out for hire.

All prosecutions for the recovery of the duties hereby granted, as also for all forfeitures and offences made and committed against this act, shall be heard and determined by any justice of the peace residing near to the place where such forfeiture shall be made, or offence committed; and if the party find himself aggrieved by the judgement of any such justice, he shall and may appeal to the justices of the peace at the next quarter sessions, and their judgement therein shall be final: and every such justice is hereby authorised and strictly enjoined and required, upon complaint or information, to summon the party accused, and upon his appearance, or refusal or neglect to appear, to proceed to the examination of the matter of fact; and upon due proof made thereof, either by the voluntary confession of the party, or by the oath of one or more witness or witnesses, to give judgment thereupon, and to issue out warrants under his hand for the levying of such forfeiture upon the goods and chattels of the offender, and to cause sale to be made, if not redeemed within fourteen days, rendering to the party the overplus, if any.

The said justice, where he shall see cause, may mitigate or lessen any such penalty as he may think fit, so that such mitigation do not reduce the penalties to less than a moiety of the penalties incurred, over and above the costs.

All forfeitures mentioned in this act (all necessary charges for the recovery thereof being first deducted) shall be divided, one moiety to his Majesty, his heirs and successors, and the other moiety to such person or persons, who shall inform and sue for the same.

N. B. The owner of every cart, dray, &c. within five miles of Temple Bar, or within the bills of mortality, shall

write his name and place of abode, at the Hackney Coach-Office, and affix his name, and the number of the carriage, on some conspicuous part thereof, or be subject to all the penalties of the laws relative to owners of carts, &c.

Cattle.

3 & 4 Ed. 6.
c. 19.

NO person shall buy any ox, cow, calf, &c. and sell the same again alive, in the same market, or fair, on pain of forfeiting double, half to the king, and half to him that shall sue.—This is not repealed by 12 G. 3. c. 71.

14 G. 2. c. 6.
15 G. 2. c. 34.

If any person shall feloniously drive away, or steal, or shall wilfully kill any ox, bull, cow, calf, steer, bullock, heifer, sheep, or lamb, with a felonious intent to steal the whole carcase, or any part thereof, or shall assist in committing any such offence, he shall be guilty of felony, without benefit of clergy.

And every person, who shall apprehend and prosecute to conviction any offender, shall have 10l. reward; to be paid by the sheriff, within a month, on his producing a certificate from the judge. — See also *Black Act*.

23 G. 3. c. 67.

Any peace officer may secure persons driving cattle through the streets of London, or Westminster, or the liberties thereof, &c. in an improper manner. If the party be convicted before a justice, he shall forfeit from 5s. to 20s. to the prosecutor; or be committed to the house of correction, &c. for one month. The same penalty against the owner or his servant.—Any justice within the bills of mortality may determine complaints of offences against any rules to be made by the court of aldermen. In pursuance of this act, the said justice is hereby authorized and required upon view, or upon complaint made, on oath, within six days after the commission of any such offence, to issue his warrant under his hand and seal, to apprehend such offender or offenders; and if the party be convicted, he may fine him, and the offender not paying the penalty, may be committed to the house of correction, to hard labour, for any time not exceeding one calendar month, unless the said penalty or forfeiture shall be sooner paid; which shall be paid to the person or persons who shall inform and prosecute to conviction any such offender or offenders.—Offenders, who refuse to discover their names and places of abode, shall be committed to the common gaol for one month, or until he, she, or they, shall declare his, her, or their name or names, and place or places of abode, to the said justice, or to some other justice of the peace of the said county or place.—An abstract of the penalties contained in this act, and of all rules, &c. shall be made by the court of aldermen, and be printed and affixed upon the most conspicuous places within the said cities of London and Westminster,

and

and liberties thereof.—No person shall suffer any punishment for any offence committed against this act, unless the prosecution for the same be commenced within fourteen days.—Persons aggrieved may appeal to the quarter sessions, giving 14 days notice.

Certiorari.

A CERTIORARI is an original writ, issuing out of the court of chancery, or the king's bench, directed in the king's name to the judges or officers of inferior courts, commanding them to *certify*, or to return the records of a cause depending before them, to the end the party may have the more sure and speedy justice, before the king or such justices as he shall assign to determine the cause.

The justices of the peace may deliver or send into the king's bench, indictments found before them, or recognizances of the peace taken before them, or force recorded by them, without any certiorari.

Dalt. c. 195.

A certiorari lies in all judicial proceedings, in which a writ of error does not lie; and it is a consequence of all inferior jurisdictions erected by act of parliament to have their proceedings returnable in the king's bench.

Raym. 469, 580.

And therefore a certiorari lies to justices of the peace, even in such cases which they are impowered by statute finally to hear and determine.

2 Haw. 286.

If a certiorari for the removal of an indictment before justices of the peace be not delivered, before the jury be sworn for the trial of it, the justices may proceed.

2 Haw. 294.

No certiorari shall be granted, to remove any conviction, judgment, &c. unless it is applied for in six calendar months, and six days notice are given to the justices, to shew cause, if they think fit, against issuing the *certiorari*.

13 G. 2. c. 18.

If a *superfedeas* come out of a superior court, to the justices, they ought to surcease, altho' the *superfedeas* be awarded against law; for they are not to dispute the command of a superior court, which is a warrant to them.

Crem. 129.

Every return of a certiorari ought to be under seal.—And altho' the *custos rotularum* keep the records, yet must the justices to whom it is directed, return the certiorari; and therefore if it is directed to the justices of the peace, and the clerk of the peace only return it, nothing is thereby removed.

2 Haw. 294.

A return was in paper (and not upon parchment); and for that reason was held by the court not good.

1 East's Rep. 113

Upon a certiorari to remove an indictment of a riot, or forcible entry, or the like, the return must have these words, *as also to hear and determine divers felonies*, &c. according to the commission; for if the return mentions only that they are justices of the peace, without such words, the return is insufficient.

Dalt. c. 195.

For

For the mode of return of a certiorari (a matter not often before a single magistrate) See Burn, vol. 1. p. 328. ed. 15.

Cheat.

1 *Haw.* 183.

CHEATS, which are punishable by the common law, may in general be described to be deceitful practices, in defrauding, or endeavouring to defraud, another of his known right, by means of some artful device, contrary to the plain rules of common honesty.

33 *H. 8. c. 1.*

If any person shall falsely and deceitfully obtain, or get into his hands or possession, any money, goods, &c. of any other person, by colour, and means of any false privy token, or counterfeit letter, &c. and shall be convicted thereof, by examination of witnesses, or confession, at the assizes or sessions, or by action in any court of record, he shall have such punishment by imprisonment, pillory, or other corporal pain (except death) as the court shall appoint. Saving to the party grieved such remedy, by action or otherwise, for the goods so obtained, as he might have had by the common law. And two justices (1 *Q.*) may call and convent, by process or otherwise, to the assizes or sessions, any person suspected, and commit or bail him to the next assizes or sessions.

30 *G. 2. c. 24.*

All persons obtaining goods, money, or merchandize, by false pretences, shall be deemed offenders against the law, and the public peace; and the court, before whom any such offender shall be tried, shall, on conviction, order them to be put in the pillory, or publicly whipped, or to be transported, as soon as conveniently may be, for seven years.—And if the party, charged as being the offender, shall be committed to prison, or admitted to bail, to answer the matters complained of at the next sessions or assizes, the justice shall bind over the prosecutor to appear and prosecute such offender with effect; and if such goods, so fraudulently obtained, appear to such justice to exceed the value of 20*l.* the recognizance shall be in not less than double the value of the goods.

For further particulars, see Pawning.

Chelfea-Penfioners.

ALL out-penfioners (as well letter-men as others) belonging to Chelfea hospital, and living at a greater distance than 25 miles from London, after every 25th day of June and December, till further orders, are required forthwith to apply themselves to one of his Majesty's justices of the peace in the neighbourhood

Chelsea-Pensioners.

39

neighbourhood where they reside, and make the following affidavit, which the said magistrate will sign and date viz.

came before me *one of his Majesty's*
justices of the peace for the county of *and made oath that*
he was admitted an out-pensioner of Chelsea-College, on the
day of 17 *from the* *regiment of* *com-*
manded by *was then aged about* *years.—*
The said *served in the army* *years; was*
discharged for *and is no otherwise provided for by the*
Government, but as a pensioner of the said College; and now lives
in the parish of *in the county of* *Sworn before me*
this *day of* 17 *To be put in a cover, and*
directed to the Right Hon. the Paymaster General, Horse-Guards,
London.

A duplicate or counterpart of the said affidavit so signed and dated, is to be reserved by the out-pensioners, and exhibited to the persons appointed to pay them.

N. B. As it is probable that this matter may frequently come before a magistrate, the Editor has thought the above might with propriety be inserted for his satisfaction, tho' not under the sanction of a public act.

Candles.

NO person residing within the limits of the head office of excise in London, shall make candles, unless he occupy a tenement of 10l. per annum, and pay parish rates for the same; nor in any other part of the kingdom, unless he pay to church and poor. 25 G. 3. c. 74.

By 8 Ann. c. 9, monthly entries were to be made in London and Westminster, and entries every six weeks elsewhere, by all makers of candles; which clauses are repealed; and by this act, All persons making candles shall every week make a true entry of the candles made within each week, at the next office of excise, on pain of forfeiting 20l. and they shall pay and clear off all duties within one week after such entry is made. Id.

Six hours' notice within the limits of the head office of excise in London, and twenty-four hours' notice elsewhere shall be given, before any chandler begins making candles, on penalty of 50l. if such notice is not given, and the making must be begun within three hours of the time mentioned in the said notice, or the notice is null and void. Id.

If any officer of excise shall discover that the making of candles is privately carried on, without notice given, and he shall discover any person knowingly assisting therein, every person so discovered shall forfeit 20l. over and above all penalties that the proprietor or maker of such candles shall be liable to; the offender Id.

offender to be stopt, detained, and conveyed by the said officer of excise, and all other persons acting in his aid, before one or more justice or justices of the peace, who, on confession, or proof by the oath of one or more credible witness, may convict the persons so discovered, who shall immediately pay the said 20l. into the hands of the officer, or shall commit the offender to the house of correction to hard labour for two months from the day of such conviction. The penalty and time of imprisonment to be doubled for the second offence.

One moiety of the penalties imposed by this act, shall be to his Majesty, the other to him or them that shall inform, discover, or sue for the same. The action or suit must be commenced within three months, with treble costs to the defendant, if the verdict shall pass in his or their favour.

Church and Church-Yard.

17 Car. 2. c. 3.

IN cities and towns corporate, the bishop (with the consent of the mayor, aldermen, and justices of the peace, and of the patron) may unite two churches or chapels; and make order, with the like consent, that the patrons present by turns, having regard to the value of the livings united; and the incumbents thereof shall be graduates.

13 Ed. 1.

No fairs nor markets shall be kept in church-yards.

5 & 6 Ed. 6.
c. 4.

If any person shall, by words only, quarrel, chide, or brawl, in any church or church-yard, the ordinary (on proof of two witnesses) may suspend every layman, being an offender, *ab ingressu ecclesiæ*; and every clergyman from the ministration of his office, so long as he shall think meet.—If any shall smite, or lay violent hands on another in any church or church-yard, he shall be deemed, *ipso facto*, excommunicate, and be excluded from the fellowship and company of Christ's congregation. And if convicted thereof, or even of drawing any weapon with intent to strike, by verdict of 12 men, or confession, or by two witnesses, before the judges of assize, or justices of the peace in their sessions, he shall be adjudged to have one of his ears cut off; and if he have no ears, he shall be burned in the cheek with a hot iron, having the letter F. whereby he may be known and taken for a fray-maker and fighter; and he shall also stand, *ipso facto*, excommunicate.

1 Haw. 94.

He, who steals goods belonging to a parish church, may be indicted for stealing the goods of the parishioners.

Churchwardens.

Churchwardens.

CHURCHWARDENS shall be chosen annually in Easter week, by the joint consent of the minister and parishioners; or the minister shall chuse one, and the parishioners another. *Can. 89.*

But if there is a custom for the parishioners to chuse both, that custom shall continue. *Gibbs. Codex, 242.*

A counsellor or attorney ought not to be chosen churchwarden; and if he is, he may have a prohibition, by reason of his attendance on the courts at Westminster. *2 Roll's Abr. 272.*

Apothecaries, who have served seven years, shall be exempted from the office of churchwarden. *6 W. c. 4.*

Freemen of the corporation of surgeons in London are exempted. *18 G. 2. c. 15.*

Also dissenting teachers or preachers, in holy orders, or pretended holy orders. *1 W. c. 18.*

All persons, who have prosecuted a felon to conviction, and the first assignee of the certificate thereof, are exempted. *10 & 11 W. c. 23.*

No private man, personally serving for himself in the militia, during the time of such service, shall be liable to serve as churchwarden. *2 G. 3. c. 20.*

A person chosen churchwarden, refusing to take his office, and oath, may be excommunicated for the refusal; and no prohibition will lie. *Gibbs. 243.*

The rates must be made with the consent of the major part of the parishioners, housekeepers, or occupiers of land.—In order to which, public notice of a vestry ought to be given the Sunday before, either in the church after divine service is ended, or else at the church-door as the parishioners come out. *5 Co. 67. Par. L. 54.*

Those that pay no church rates, shall have no vote in affairs relating to it, except it be the rector or vicar. *Wood, b. 1. c. 7.*

It is most convenient, that every parish act there be entered in the parish book of accounts, and every man's hand consenting to it be set thereto; for then it will be a certain rule for the churchwardens to go by. *Par. L. 55.*

The rates for the repair of the church shall be laid upon every occupier of lands in the parish, altho' such occupier live in another parish. *5 Co. 67.*

If any person find himself aggrieved at the inequality of the assessment, his appeal must be to the ecclesiastical judge. *Degge 172.*

If any refuse to pay the rates, being demanded by the churchwardens, they are to be sued for in the ecclesiastical courts. *Gibbs. 219. Degge 174.*

A quaker, refusing to pay church rates, may be sued, as other parishioners, in the ecclesiastical court; or he may be prosecuted

prosecuted before the justices of the peace, in the same manner as for his tithes.

The soil and freehold of the church is the parson's; the use of the body of the church, and the repair of it, common to the parishioners, and the disposing of the seats the right of the ordinary.

43 El. c. 2.

Every churchwarden is an overseer of the poor, although every overseer of the poor is not a churchwarden.

Gibf. 243.

The churchwardens' oath, as agreed on between the civilians and common lawyers:

You shall swear truly and faithfully to execute the office of a churchwarden within your parish, and according to the best of your skill and knowledge, present such things and persons, as to your knowledge are presentable by the laws ecclesiastical of this realm.— So help you God, and the contents of this book.

29 C. 2. c. 7.

The churchwarden (or the constable) shall levy the penalties for persons exercising their worldly calling on the Lord's day.

Can. 90.

The churchwardens shall see that the parishioners resort to church, and continue there orderly, during divine service; and shall present the defaulters.

1 El. c. 2.

They shall levy the forfeiture of 12d. a Sunday, on the goods of persons not coming to church.

4 An. c. 14.

They shall collect money on charity briefs, on pain of 20l.

Can. 19.

They shall not suffer any idle persons to abide either in the church-yard or church porch, during the time of divine service, or preaching; but shall cause them to come in, or to depart.

Can. 20.

They shall, at the charge of the parish, with the advice and direction of the minister, provide bread and wine against the communion.

9 & 10 W.
c. 27.

They shall carry hawkers and pedlars trading without licence, before a justice of the peace.

Can. 89.

At the end of the year, or within a month after at most, they shall, before the minister and parishioners, at a vestry, give up a just account of such money as they have received, and also what they have particularly bestowed in reparations, and otherwise, for the use of the church; and shall deliver up to the parishioners the money and parish goods in their hands, to be delivered over by them to the next churchwardens.

Clergy.

43 El. c. 2.

CLERGYMEN are liable to the poor rates, for their glebe and tithe.

21 H. 8. c. 13.

No clergyman shall take to farm any lands (except he have not sufficient glebe for the expences of his household); on pain of 10l. a month, half to the king, and half to him that shall sue.—No clergyman shall buy to sell again any cattle, corn,
or

or any merchandize; on pain of treble value, half to the king, and half to him that shall sue: and the contract shall be void.

Benefit of Clergy.

ANCIENTLY princes and states, converted to Christianity, did grant to the clergy very bountiful privileges and exemptions; and particularly, an exemption of their persons from criminal proceedings, in some capital cases before secular judges; which was the true original of the benefit of clergy.—But this claim of exemption grew so burdensome, that it was from time to time qualified and abridged by the civil power; and therefore, if they were indicted in cases criminal, but not capital, nor wherein they were to lose life or limb, there the privilege of clergy was not allowed; and therefore not in indictments of trespass or petit larceny.—Also it was not allowed them in high treason.

If the statute enacts generally, that it shall be felony without benefit of clergy, or that he shall suffer as in case of felony without benefit of clergy, this excludes it in all circumstances, and to all intents. 2 H. H. 335.

When any person shall be convicted of any felony within the benefit of clergy, for which he shall be liable to be burned in the hand, the court may, if they think fit, instead thereof, impose upon the offender a moderate pecuniary fine; or otherwise, instead of such burning, in any of the cases aforesaid, except manslaughter, may order the offender to be once or oftener, but not more than thrice, either publicly or privately whipped, such private whipping to be in the presence of not less than two persons, besides the offender and the officer who inflicts the same; and in case of female offenders, in the presence of females only.—Provided, that this shall not extend to deprive the court of the power now vested in them, of detaining such offender in prison for any time not exceeding one year, or of committing him to the house of correction or other public workhouse, to be kept to hard labour for any time not less than six months, nor exceeding two years. 19 G. 3. c. 74.

A person admitted to his clergy, forfeits all his goods that he hath at the time of the conviction.—But presently upon his burning in the hand, he ought to be restored to the possession of his lands, and from thenceforth to enjoy the profits thereof. 2 H. H. 388.

And it is holden, that after a man is admitted to his clergy, it is actionable to call him felon; because his offence being pardoned by the statute, all the infamy and other consequences of it are discharged. 2 How 165.

Clerk of the Peace.

1 W. c. 21.

THE *custos rotulorum* shall appoint an able and sufficient person, residing in the county or division, to execute the office of clerk of the peace.

Id.

But shall not sell the place of clerk of the peace, or take any bond or other assurance to receive any reward, fee, or profit, directly or indirectly, for such appointment.

1 W. c. 21.

Every clerk of the peace, before he enters upon the execution of his office, shall in open sessions take the oath following:

“ I, *A. B.* do swear, that I have not, nor will pay any
 “ sum or sums of money, or other reward whatsoever, nor
 “ given any bond or other assurance to pay any money, fee,
 “ or profit, directly or indirectly, to any person or per-
 “ sons whomsoever, for such nomination and appointment: So
 “ help me God.”

He shall moreover take the oaths of allegiance, supremacy, and abjuration, and perform the other requisites, as other persons who qualify for offices.

34 & 35 H. 8.
c. 14.

The clerk of the peace shall certify into the king's bench, the names of such as be outlawed, attainted, or convicted of felony.

22 & 23 C. 2.
c. 22

He shall deliver to the sheriff, within twenty days after September 29, yearly, a perfect estreat or schedule of all fines, and other forfeitures in sessions.—And shall also yearly, on or before the second Monday after the morrow of All Souls, deliver into the court of exchequer, upon oath, a perfect duplicate, and certificate, of all such estreaths and schedules delivered to the sheriffs; on pain of 50*l.* half to the king, and half to him that shall sue.

1 W. c. 21.

If any clerk of the peace shall misdemean himself in the execution of his office, and thereupon a complaint and charge in writing of such misdemeanor shall be exhibited against him, to the justices in sessions, the said justices may, on examination and due proof thereof openly in the said sessions, suspend or discharge him from the said office; and in such case, the *custos rotulorum* shall appoint another able and sufficient person, residing in the said county or division, to be clerk of the peace. And in case of refusal or neglect to make such appointment, before the next general quarter sessions, the justices in sessions may appoint one.

Coaches.

FOR every coach, berlin, landau, chariot, calash with four wheels, chaise marine, chaise with four wheels, and caravan, kept by any person for his own use, or employed in carrying passengers for hire, shall be paid yearly the sum of 5*l*. All the said rates and duties, and all forfeitures and offences, shall be determined by the commissioners of excise (or of appeals, in case of appeal) within the limits of the chief office in London; and elsewhere, by two justices near; who shall, on complaint upon oath, summon the party; and, on his appearance or contempt, may examine the fact, and on proof thereof either by confession, or oath of one witness, give judgment, and issue warrants for levying penalties by distress and sale (if not redeemed in 14 days); which shall be employed (all necessary charges first deducted*) half to the use of the king, and half to the informer: And for want of sufficient distress, they may imprison the party till satisfaction is made.

26 G. 3. c. 34.

But if the justices will proceed, or shall be compelled by *mandamus*, or otherwise, so to do; they must remember withal, that by the 27 G. 2. c. 20. they may not order the distress to be detained more than eight days, nor less than four.

Persons aggrieved by the determination of the justices, may appeal to the next quarter sessions.

This act is entitled an act for transferring the receipt and management of certain duties therein-mentioned from the commissioners of excise, and the commissioners of stamps respectively, to the commissioners for the affairs of taxes.

25 G. 3. c. 47.

For every coach, landau, or other four wheeled carriage, (except hackney coaches) shall be paid from July 5, 1785, the sum of 7*l*. per annum; For every calash, chaise, or other carriage, with two or three wheels, 3*l*. 10*s*. per annum.

The duties to be no longer under the management of commissioners of excise and of stamps, but under the management of the commissioners for the affairs of taxes.

Coach-Makers.

EVERY coach-maker in Great-Britain is required to take out a licence annually, paying 20*s*. for the same.

25 G. 3. c. 49.

No coach, chaise, &c. is to be made (on a penalty of 10*l*.) till the maker has taken out such licence either at the excise-

* The same distribution shall be made of the penalties for other offences of this kind, in the articles of Candles, Tea, Coffee, Glass, &c.

office

Coach-Makers.

office in London, or under the hands and seals of the collectors and supervisors of excise in their respective districts, to whom the duties shall be paid: In Scotland, either at Edinburgh, or where the commissioners of excise in Scotland shall appoint.

The licence is to be renewed ten days before the expiration of the preceding one.

Not more than one licence is to be taken out for one house.

On the death of any licensed coach-maker, the executors, wife, or child, may act, by virtue of such licence to the expiration of the term.

A duty of 20s. is to be paid for every four-wheeled, and of 10s. for every two-wheeled carriage, made for sale; and an account is to be delivered by every coach-maker, on oath, every six weeks, of every carriage made and sold; and all the duties for such carriages shall be paid off to the commissioners, if in London or Edinburgh; and in other places, to the collector or supervisor of excise within the district (who is hereby empowered to administer the oath) on penalty of such coach-maker's forfeiting 20l.

The penalties and forfeitures are to be recovered in any of his Majesty's courts of record at Westminster, or if incurred in Scotland, in the courts of Exchequer there.—To be determined, if within the limits of the chief office of excise in London, by any three or more commissioners of excise; and in case of appeal by the commissioners of appeals for the time being, whose judgment shall be final; in all other parts of Great-Britain by two neighbouring justices: from whom the party aggrieved may appeal to the quarter sessions. The commissioners and justices on complaint or information upon oath, which they are hereby authorised to administer, are to summon the party accused, and on the appearance or contempt of the person so summoned, upon due proof by one or more credible witness, to hear, and give judgment thereon, and issue warrants of distress, if need be, and cause sale to be made, if not redeemed within 14 days, rendering the overplus, if any, or imprison the party offending till satisfaction be made.

The duties appointed by this act, as well on licences, as on carriages newly made, are to be paid into his Majesty's Exchequer.

No action or suit shall be commenced, but within three months next after the offence, nor any where but in the same county, and treble costs shall be allowed the defendant, if the verdict shall be given in his favour.

N. B. No direction seems given in this act for the application of the penalties; nor any recompence assigned to the person bringing forward a complaint or information.

Coals.

IF after the admeasurement thereof by the commissioners appointed for that purpose, the marks shall be removed or altered; every person who had a hand in or was privy to the doing thereof, shall, on conviction upon the oath of one witness before one justice, forfeit 10l. by distress, half to the king, and half to the discoverer; and for want of distress, shall be committed to the common gaol for three months.

15 G. 3. c. 27.

Coin.

ONE justice, on complaint upon oath that there is just cause to suspect, that any person hath been concerned in counterfeiting the copper monies of this realm, may by his warrant cause the dwelling house, room, workshop, &c. belonging to such suspected person, to be searched for tools and implements for coining such copper monies: and if any such tools or implements shall be found hid or concealed in any place so searched, it shall be lawful for any person whatsoever discovering the same, to seize such tools or implements, and carry the same forthwith to a justice, who shall cause the same to be secured and produced in evidence against any person, who shall be prosecuted for any of the offences aforesaid; and after they shall have been produced in evidence, the same, and all other so seized, shall forthwith, by order of the court, or by order of the justice, if there shall be no trial, be defaced and destroyed, or otherwise disposed of, as such court or justice shall direct.

11 G. 3. c. 40.

If any person shall, for gain, impair, diminish, or falsify, the proper coin of this kingdom, he shall be guilty of treason.

18 El. c. 1.

If any person shall colour, gild, or case over with gold or silver, any coin resembling the current coin of this kingdom, he, his aiders and abettors, shall be guilty of high treason.—Prosecution to be in three months.

8 & 9 W. c. 26.

If any person shall wash, gild, or colour, any silver coin, to make it resemble a guinea or half guinea, he, his counsellors, aiders, and abettors, shall be guilty of high treason.—Prosecution to be in six months.

15 & 16 G. 2. c. 28.

If any person shall counterfeit gold or silver, that is not the proper coin of this realm, he, his procurers, aiders, and abettors, shall be guilty of misprision of high treason.

14 El. c. 3.

If any person shall bring false money into the realm knowing the same to be false, in deceit of the king and his people; he shall be guilty of high treason.

25 Ed. 3. c. 2.

If

7 & 8 W. c. 19. If any press for coinage shall be found in the custody of any person (other than the officers of the Mint) it shall be seized for the king's use; and every person, in whose custody such press shall be found, shall forfeit 500*l.* half to the king, and half to the informer.

6 & 7 W. c. 17. If any person shall buy or sell, and knowingly have in his custody or possession, any clippings or filings of the current coin of this kingdom, he shall forfeit the same, and also 500*l.* half to the king, and half to the informer; and shall be branded on the right cheek with the letter R; and be imprisoned till the payment of the 500*l.*

The warden of the company of goldsmiths, with two of the court of assistants within the bills, and two justices elsewhere, may enter into the house, room, or workshop of any person suspected, and with the help of a constable may break open any door, box, &c. to search for bullion suspected to be concealed; and, if found, they shall seize the same, and the person in whose possession it shall be found: And the said wardens, assistants, and constables, shall carry him before the next justice, which one justice within the bills, and the said two justices elsewhere, may examine him; and if he shall not prove by the oath of himself, or of a credible witness, that it is lawful silver, and was not before melting current coin, nor clippings thereof, he shall be committed; and if on his trial he shall not prove the same by one witness, he shall be imprisoned six months.

9 G. 3. c. 37. If any churchwarden or overseer of the poor, or person authorized by him, shall make any payments to the poor in any base or counterfeit money, one justice, on complaint, may summon the offender, and on proof of the offence, by the oath of one witness, may adjudge him to forfeit not less than 10*s.* nor more than 20*s.* to be levied by distress, and to be applied to the use of the poor.

9 & 10 W. c. 21.
13 G. 3. c. 71. Any person to whom any silver or gold money shall be tendered, that he shall suspect to be counterfeit, may cut, break, or deface such piece; and if it shall appear to be a counterfeit, the person tendering the same, shall bear the loss thereof; but if the same shall appear to be lawful money, the person that cut, broke, or defaced the same, shall receive the same at the value it was coined for. And if any question arise, whether the piece so cut be counterfeit, it shall be determined by the next justice of the peace, or chief magistrate in a corporation.

3 Ed. 1. c. 15.
1 H. H. 372. Persons taken for coining false money are not bailable by justices of the peace.—But they must take the examinations and informations, and bind over the witnesses to the proper court, and commit the persons accused.

1 H. H. 318.
328. It is not necessary there should be two witnesses in cases of counterfeiting the coin, as it is in other high treasons; but persons may be convicted by one witness only.

Whoever

Whoever shall apprehend and prosecute to conviction any person, that hath counterfeited, clipped, or diminished any of the current [gold or silver] coin of this realm, or hath altered shillings and sixpences to make them resemble guineas and half guineas; or halfpennies and farthings, to make them look like shillings and sixpences, or hath brought into this kingdom any clipt, false, or counterfeit coin, shall have a reward of 40*l*.—In order to which, the judge shall give him, under his hand, a certificate certifying the conviction. 6 & 7 W. c. 17.
15 G. 2. c. 20.

In like manner a reward of 10*l*. shall be paid, for apprehending and convicting a counterfeiter of the copper money. 15 G. 2. c. 28.

If any person being out of prison, shall be guilty of clipping, coining, or diminishing the [gold or silver] coin of this realm, and afterwards discover two or more persons who have committed any of the said crimes, so as they be convicted; he shall have the king's pardon, and if he is an apprentice, he shall be made a freeman. 6 & 7 W. c. 17.

If any person being out of prison, shall be guilty of altering sixpences or shillings, to make them look like half guineas or guineas; or altering farthings or halfpennies, to make them look like sixpences or shillings; or of counterfeiting brass or copper halfpennies or farthings; or of uttering false money, and afterwards discover two or more persons who have committed any of the said crimes, so as they be convicted, he shall have the king's pardon. 15 G. 2. c. 28.

A sum not exceeding 600*l*. may be annually issued from the Treasury, for the prosecution of offenders respecting coin. 7 Ann. c. 24.
15 & 16 G. 2.
c. 28.

Commitment.

PERSONS apprehended for offences which are not bailable, and also all persons who neglect to offer bail for offences, which are bailable, must be committed.—Wheresoever a justice is empowered by any statute to bind a person over, or to cause him to do a certain thing, and such person being in his presence shall refuse to be bound, or to do such thing, the justice may commit him to the gaol, to remain there till he shall comply. 2 H. 7. 116.

If a prisoner be brought before a justice, expressly charged with felony upon oath, the justice cannot discharge him, but must bail or commit him. But if he be charged with suspicion only of felony, yet if there be no felony at all proved to be committed, or if the fact charged as a felony be in truth no felony in point of law, the justice may discharge him. But if a man be killed by another, tho' it be by misadventure, or

in self-defence, the justice ought not to discharge him, for he must undergo his trial for it; and therefore he must be committed, or at least bailed.

Dalt. 3. c. 170.

But commitment by the justices of the peace almost in all cases (except for the peace, good behaviour, felony, or higher offences) is but to retain the party till he hath made fine to the king; and therefore, if he offer to pay it, or find sureties by recognizance to pay it, he ought not to be committed, but to be delivered presently.

5 *H.* 4. c. 10.

All felons shall be committed to the common gaol, and not elsewhere.

6 *G.* 1. c. 19.

But vagrants, and other criminals charged with small offences, may, for want of sureties, be committed either to the common gaol, or house of correction, as the justices in their judgment shall think proper. And they may commit other offenders to the stocks, or other custody, by particular statutes.

27 *G.* 3. c. 11.

By this act a power is given to any justice or justices of the peace, within his or their respective jurisdictions, to commit either to the common gaol, or to any house of correction, within his or their respective jurisdictions, as to such justice or justices shall seem most proper, vagrants, and other criminals, offenders, and persons charged with or convicted of small offences, as by any law now in force, or hereafter to be made, he or they is or are, or shall be authorized to commit to the common gaol.

24 *G.* 2. c. 55.

If a person is apprehended, upon a warrant indorsed, in another county, for an offence not bailable, or if he shall not there find bail, he shall be carried back into the first county, and be committed (or if bailable, bailed) by the justices in such first county.

2 *Haw.* 119.

The commitment must be in writing, either in the name of the king, and only attested by the person who makes it, or it may be made by such person in his own name, expressing his office or authority, and must be directed to the goaler, or keeper of the prison.

1 *H.* H. 577.

It should contain the name and surname of the party committed, if known; and if not known, if may be sufficient to describe the person by his age, stature, complexion, colour of his hair, and the like, and to add that he refuseth to tell his name.

2 *Haw.* 120.

It is safe, but not necessary, to set forth, that the party is charged upon oath.

2 *Inst.* 52.

It ought to contain the cause, as for treason, or felony, or suspicion thereof.

2 *Inst.* 591.

A warrant or mittimus to answer to such things as shall be objected against him, is utterly against law.

It ought to contain the certainty of the cause; if it be for felony; it ought to be for felony; *for the death of such an one,* or for burglary *in breaking the house of such an one.* 2 H. H. 122.

If it is for felony, it must be to detain him till he be thence delivered by law, or by order of law, or by due course of law. 2 H. H. 123.

A commitment grounded on an act of parliament, ought to be conformable to the method prescribed by it. The difference is, where a man is committed as a criminal, and where only for contumacy; in the first case, the commitment must be until discharged according to law; but in the latter, until he comply. 2 Haw. Not 33.

Where a statute appoints imprisonment, without limiting the time, the prisoner must remain at the discretion of the court. Dalt. c. 170.

It must be under seal; and without this, the commitment is unlawful. 1 H. H. 583.

But this must not be intended of a commitment by the sessions, or other court of record; for there the record itself, or the memorial thereof, which may at any time be entered of record, is a sufficient warrant, without any warrant under seal. 1 H. H. 584.

It should also set forth the place at which it is made, that it may appear to be within the jurisdiction of the justice. 2 Haw. 119.

It must also have a certain date, of the year and day. 2 H. H. 123.

Every person who shall be committed to the common or usual gaol, by any justice of the peace, the said person having means or ability thereunto, shall bear his own reasonable charges, and the charges also of such as shall be appointed to guard him to such gaol: and if any such person shall refuse to defray the said charges, then such justice shall, by writing under his hand and seal, give warrant to the constable of the hundred, or constable of the township where such person shall be dwelling and inhabit, to sell such and so much of the goods and chattels of the said person so to be committed, as by the discretion of the said justice shall be deemed sufficient to satisfy and pay the charges of such his conveying and sending to the said gaol; the appraisement to be made by four of the honest inhabitants of the parish where such goods shall be; the overplus to be delivered to the party. 3 J. 4. 10.

When any person, not having goods or money in the county where he is taken, sufficient to bear the charges of himself and of those who convey him, is committed to gaol, or to the house of correction, by warrant from a justice, then on application, by the constable or other officer who conveyed him, to any justice for such county or place, such justice shall upon oath examine into and ascertain the reasonable expences, and shall without fee by his warrant order the treasurer to pay the same. But in Middlesex, the same shall be paid by the overseers of the poor of the parish where the person was apprehended. 27 G. 2. c. 3.

Commitment.

By the *habeas corpus* act, the charges of conveying an offender is limited not to exceed 12d. a mile.

4 Ed. 3. c. 10.

If the gaoler shall refuse to receive a felon, or take any thing for receiving him, he shall be punished for the same, by the justices of gaol delivery.

Dalt. c. 170.

But if a man be committed for felony, and the gaoler will not receive him, the constable must bring him back to the town where he was taken; and that town shall be charged with the keeping of him, until the next gaol delivery.

3 H. 7. c. 3.

The sheriff or gaoler shall certify the commitment to the next gaol delivery.

2 Haw. 121.

A person legally committed for a crime, certainly appearing to have been done by some one or other, cannot be lawfully discharged by any one but the king, till he be acquitted on his trial, or have an *ignoramus* found by the grand jury, or none to prosecute him on a proclamation for that purpose by the justices of goal delivery.

Common Prayer.

13 & 14 C. 2.
c. 4.

WHERE an incumbent resides upon his living, and keeps a curate, the incumbent himself (not having lawful impediment to be allowed by the bishop) shall at least once a month openly and publicly read the common prayer, and (if there be occasion) administer the sacraments, and other rites of the church; on pain of 5l. to the poor, on conviction by confession, or oath of two witnesses, before two justices; and in default of payment in ten days, the same to be levied by the churchwardens or overseers by distress and sale, by warrant of such justices.

Confession.

2 Haw. 429.

IT seems that the confession of the defendant taken upon an examination before justices of the peace, or in discourse with private persons, may be given in evidence against the party confessing, but not against others.

Conspiracy.

1 Haw. 198.

33 Ed. 1. p. 2.

BY the common law, all confederates whatsoever, wrongfully to prejudice a third person, are highly criminal. And by statute, conspirators are they, that do confederate or bind themselves by oath, covenant, or other alliance, that every
of

of them shall aid and bear the other falsely and maliciously to indict, or cause to indict, falsely to move or maintain pleadings.

It is clear, that those who are convicted of conspiracy at the suit of the party, shall have judgment of fine and imprisonment, and to render the plaintiff his damages. 1 How 193.

Constable.

IN some places, at this day, there is both a tithingman and constable, where the tithingman is as it were a deputy to execute the office in the constable's absence; but the constable may do whatever the tithingman may do, but not on the contrary, the tithingman not having an equal power with the constable. 1 Black. 357.

The president, commons, and fellows of the faculty of physic in London shall not be chosen constables. 32 H. 3. c. 40.

Surgeons in London shall be freed and exempted from the office of constables. 5 H. 3. c. 6. &
18 G. 2. c. 15.

Apothecaries in London, and within seven miles thereof, being free of the company of apothecaries, and also those in the country who have served a seven years apprenticeship, shall be exempted from the office of constable. 6 & 7 W. c. 4.

A sworn attorney, or other officer of the courts at Westminster, may have a writ of privilege of his discharge. 2 How. 63.

Every teacher or preacher in holy orders, or pretended holy orders, in a congregation tolerated by law, shall, from the time of his subscription and taking the oaths, be exempted from the office of constable. 1 W. c. 12.

The prosecutor of a felon to conviction, or person to whom he shall assign the certificate thereof, shall be discharged from the office of constable. 10 & 11 W. c. 23.

If any person dissenting from the church of England, shall be chosen constable, and shall scruple to take upon him the office, in regard of the oaths, or any other matter required to be done in respect of such office, he may execute it by a sufficient deputy. 1 W. c. 12.

The law requires, that every constable be *idoneus homo*, that is, apt and fit for the execution of the said office; and he is considered to be *idoneus*, who hath, First, honesty, to execute his office truly, without malice, affection, or partiality.—Secondly, knowledge, to understand what he ought to do.—Thirdly, ability, as well in substance or estate, as in body, that so he may intend and execute his office diligently, and not thro' impotency of body, or want, neglect his duty. And if any shall be chosen constable, who is not thus qualified, he may by law be discharged of his said office, and another fit man be appointed in his place. Lambard.
In

In which case, a summons may be directed to several inhabitants of the parish to appear before the justice for him to make choice of one of them to take the oath, &c.

The petty constable ought to be chosen in the leet; and the high constable (properly so called) in the torn, which is the general leet of the whole hundred.

2 *Haw.* 62.

They are to be sworn and placed in their office by the lord or his steward, or by the sheriff respectively, as being judge of the court.

Dalt. c. 28.

But now the usual manner is, that the high constables of hundreds be chosen either at the sessions, or by the greater number of the justices of the division.

2 *Haw.* 65.

And every petty constable, being a principal peace officer, and it being necessary for the preservation of the peace, that every vill should be furnished with one; the justices of the peace have, ever since the institution of their office, taken upon them, as conservators of the peace, not only to swear the petty constables, that have been chosen at a torn or leet, but also to nominate and swear those, who have not been chosen at any such court, on the neglect of the sheriffs or lords to hold their court, or to take care that such officers are appointed in them. And this power of justices of the peace having been confirmed by the uninterrupted usage of many ages, shall not now be disputed, but shall be presumed to be established upon sufficient authority.

13 & 14 *C. 2.*
c. 37.

Justices of the peace had power to nominate and swear constables, on the default of the torn or leet, before the statute of 13 & 14 *C. 2. c. 12.* If a constable shall die, or go out of the parish, any two justices may make and swear a new one 'till the lord shall hold a leet, or 'till the next quarter sessions, who shall approve of the officer so made and sworn, or appoint another; and if any officer shall continue above a year in his office, the justices in their quarter sessions may discharge him, and put in another, 'till the lord shall hold a court.

Dalt. c. 28.

If constables lawfully chosen refuse to be sworn, a justice of the peace may bind them over to the assizes or sessions, there to be indicted.

G. 1. st. 2. c. 15.

High constables are to take the oaths of allegiance, supremacy, and abjuration, as other persons who qualify for offices; but petty constables are exempted.

2 *Haw.* 33.

Every high and petty constable is by the common law conservator of the peace; and therefore if any man shall make an affray or break the peace, the constable may commit him to the stocks or other safe custody for the present, and afterwards may carry him before a justice or to gaol, until he shall find surety for the peace.

Cra. Eliz.

But he cannot require surety of the peace, unless the offence be upon his own view; for he cannot take a man's oath, because he is not a judge of record.

The

The constable is a proper officer to a justice of the peace, ^{2 Haw. 262.} and bound to execute his warrants; and therefore it hath been resolved, that where a statute authorizes a justice of the peace to convict a man of a crime, and to levy the penalty by warrant of distress, without saying to whom such warrant shall be directed, or by whom it shall be executed, the constable is the proper officer to serve such warrant, and indictable for disobeying it.

No action shall be brought against any constable, or other person acting by his order, and in his aid, for any thing done in obedience to the warrant of a justice of the peace, until demand hath been made by the party, or his attorney, in writing, signed by the party demanding the same, of the perusal and copy of such warrant, and the same hath been refused or neglected for six days after such demand; and if such action be brought jointly against the justice and constable, on proof of such warrant, the jury shall find for the constable; and if the verdict be given against the justice, the plaintiff shall receive his costs against him, to be taxed in such manner by the proper officer, as to include such costs as the plaintiff is liable to pay to such defendant, for whom such verdict shall be found as aforesaid.

The constable ought not to return the warrant to the justice, but to keep it for his own justification; but he must certify to the justice what he hath done in the execution thereof.

The constable executing a justice's warrant, for levying a ^{27 G. 2. c. 20.} penalty, or other sum of money directed by an act of parliament, by distress, may deduct his own reasonable charges of taking, keeping, and selling the goods distrained; returning the overplus on demand, after such penalty or sum of money and charges deducted.—*See Commitment.*

Every constable or other such officer shall every three months, ^{18 G. 3. c. 19.} and within 14 days after he shall go out of his office, deliver to the overseers a just account in writing, fairly entered in a book to be kept for that purpose, and signed by him, of all sums by him expended on account of the said parish, township, or place, in all cases not hitherto provided for by law, and also of all sums received by him on the account of the said parish, township, or place; and the overseers shall, within the next 14 days after the account shall be so delivered, lay the same before the inhabitants, and if approved by the majority of them, the overseers shall pay out of the poor rate such sum as shall appear to be due on the said account. But if the account, or any part thereof, shall be disallowed, the overseers shall deliver back to the constable, or other officer, such book of accounts; who may then produce the said book to a justice, giving reasonable notice thereof to the overseer; which justice shall examine the same, and hear and determine any objection that shall be made to the account, and

and settle the sum which shall appear to him to be due, and enter the same in the account, and sign his name thereto; and the overseers shall pay the same accordingly.—Provided, that if the overseer shall find that the parish, township, or place is aggrieved by any thing done or omitted by the said constable, or other officer, or by the justice, he may, giving reasonable notice to the said justice, constable, or other officer, appeal to the next general or quarter-sessions.—And the justices in sessions may from time to time lay down or alter such rules and regulations as to any costs or charges to be allowed to any person by virtue of this act, as to them shall seem just; which rules and regulations having received the approbation and signature of one or more of the judges of assize, shall be binding, and not otherwise, on all persons whatsoever.

12 G. 2. c. 29.

The high constables shall, at the general or quarter-sessions, if thereunto required, account for the general county rate by them received, on pain of being committed to gaol until they shall account; and all their accounts and vouchers shall, after having been passed at the said sessions, be deposited with the clerk of the peace, to be kept amongst the records, and inspected by any justice without fee.

Dalt. c. 28.

If there shall be cause to remove and put an high constable from his place, it shall be done by the greater part of the justices of that division, or at the sessions.

2 Haw. 65.

The justices of the peace have also used, for good cause, to displace all such constables, as have been chosen and sworn by them.

Conviction.

WHERE a special power is given to a justice of the peace by act of parliament to convict an offender in a summary manner, without a trial by jury, it must appear that he hath strictly pursued that power; otherwise the common law will break in upon him, and level all his proceedings. Therefore he must proceed according to the course of common law in trials by juries, and consider himself only as constituted in the place both of judge and jury. There must be an information or charge against a person; then he must be summoned, or have notice of such charge, and have an opportunity to make his defence; and the evidence against him must be such as the common law approves of, unless the statute specially directeth otherwise; then, if the person be found guilty, there must be a conviction, judgment, and execution, all according to the course of the common law, directed and influenced by the special authority given by statute; and in the conclusion, there must be a record of the whole proceedings, wherein the justice

justice must set forth the particular manner and circumstances; so that, if he shall be called to account by any superior court, it may appear that he hath conformed to the law, and not exceeded the bounds prescribed to his jurisdiction.

Corn.

TO buy or sell corn in the sheaf, before it is threshed and measured, is against the common law of England. 3 Inst. 197.

In the measure of corn, the custom of the place is to be observed, if it be a custom beyond all memory, and used without any visible interruption. Bart. 578.

Every person, who shall unlawfully cut or take away any corn or grain growing, being convicted thereof by confession, or oath of one witness, before one justice, shall for the first offence pay such damages as the justice shall appoint; and if the justice shall think him not able or sufficient, or if he do not pay such damages, he shall commit him to the constable where the offence is committed, or where the party is apprehended, there to be whipped; and for every other offence he shall in like manner be whipped. The constable refusing, shall be committed by the justice, till he conform. 43 El. c. 7.

The inspector of the returns of corn shall demand of every cornfactor, in the Corn-Exchange, in Mark-lane, a weekly return of the several quantities of corn or grain by him *bona fide* sold and delivered in such week, as also the name or names of the purchaser or purchasers thereof, which return shall be signed by each cornfactor delivering the same, and a transcript of such account shall be published in the London Gazette weekly; which shall be deemed to have been the average prices, during each respective week, in Kent, Essex, and London. The weekly returns taken by the inspector, shall be filed, and deposited in his office. The inspector shall compute the aggregate quantity of each sort of grain, and the average prices thereof, which shall be sold previous to the sessions for London, in April 1782; and so on from session to session; which account he shall transcribe into a book; and deliver, on the first day of the said sessions, (and afterwards on the first day of each quarter session,) in open court, to the lord mayor, aldermen, justices of the peace for the city of London. The duties on importation of foreign grain shall be regulated by the said average prices. The cornfactors shall verify their returns on oath, under a penalty of, from 25l. to 50l. one moiety to the inspector, and another as the court shall think proper, if they obey not the summons of the court. The proprietors, in case of the

the inspector's sickness, may appoint a substitute; which appointment shall be presented to the next sessions. Cornfactors neglecting to deliver weekly returns, to be summoned before the sessions, and in case they shall not appear, the said persons so offending shall be fined not more than ten pounds, nor less than five pounds, to be divided as before.—A duty of a half-penny per last on all corn sold shall be paid to the inspector, the amount thereof to be stated, and presented to the sessions twice a year.—The inspector shall give security in a sum not less than two hundred pounds, nor more than three hundred pounds, for the faithful accounting and payment of all monies received by him by virtue of this act.—If the justices shall neglect to appoint proper persons to make returns, the commissioners of the treasury shall appoint them until the Michaelmas sessions next following.

Coroner.

2 *Haw.* 42.

CORONERS are ancient officers by the common law, so called because they deal principally with the pleas of the crown, and were of old time the principal conservators of the peace.

4 *Inst.* 271.

In ancient times this office was of great estimation; for none could have it under the degree of a knight.

28 *Ed.* 3. c. 6.

The coroner shall be chosen in the county court, by the commons of the same county.

2 *Haw.* 43, 44.
Hale's Pl. 170.

And none but freeholders have a voice at such election.

When any person comes to an unnatural death, the township shall give notice thereof to the coroner. Otherwise if the body be interred before he come, the township shall be amerced.

4 *Ed.* 1. *st.* 2.

When notice is given to the coroner, he is to issue a precept to the constables of the four, five, or six next townships, to return a competent number of good and lawful men of their townships, to appear before him in such a place, and to make an inquisition touching the matter. Or he may send his precept to the constable of the hundred.

2 *Inst.* 148.

These are to be at least twelve.

2 *H. H.* 60.

The jury appearing is to be sworn and charged by the coroner to enquire, upon the view of the body, how the party came by his death.

Hale's Pl. 170.

If the body cannot be viewed, the coroner can do nothing; but the justices of the peace shall enquire thereof.

25 *G.* 2. c. 29.

For every inquisition (not taken upon view of a body dying in gaol) he shall have 20s. and also 9d. for every mile he shall be compelled to travel from his usual place of abode to take such inquisition;

inquisition; to be paid by order of the justices in sessions, out of the county rates.—And for every inquisition taken on view of a body dying in prison, he shall be paid so much, not exceeding 20s. as the justices in sessions shall allow, to be paid in like manner.

Costs.

WHERE any complaint shall be made before a justice and ^{18 G. 3. c. 19.} a warrant or summons shall issue in consequence thereof, it shall be lawful for such justice, who shall have heard and determined the matter of the complaint, to award* such costs to be paid by either party, and in such manner and form as to him shall seem meet, to the party injured: and if the person so ordered by the justice shall not forthwith pay, or give security for the same, to the satisfaction of the justice, it shall be levied by distress†: and if goods and chattels of such person cannot be found, the justice shall commit him to the house of correction for the place where such person shall reside, to be kept to hard labour not exceeding one month, nor less than ten days, or until such sum, together with the expences attending the commitment, be first paid.—Provided, that where the penalty shall amount to or exceed the sum of 5l. the said costs shall be deducted by the justice, according to his direction, out of the penalty, so that the said deduction shall not exceed one fifth part of the penalty.—And the justices in sessions from time to time may lay down or alter such rules and regulations concerning costs or charges to be allowed to any person by virtue of this act, as to them shall seem just; which rules and regulations, having received the approbation and signature of one or more of the judges of assize, shall be binding, and not otherwise, on all persons whatsoever.

County-Court.

NO complaint shall be entered in the county-court, but where ^{11 H. 7. c. 15.} the plaintiff, or his attorney is present; and the plaintiff shall find pledges to pursue his plaint; and he shall have but one plaint for one trespass, on pain of 40s. half to the king, and half to the prosecutor. And one justice may examine

* See appendix, No. 17.

† No. 18.

the sheriff or other officer, making default; and shall, within a quarter of a year, certify the examination into the exchequer.

County-Rate.

12 G. 2. c. 29.

THE justices at their general or quarter sessions, or the greater part of them, shall have power to make one general county-rate,

For the repairing of bridges, and highways thereto adjoining, and salaries for the surveyors of bridges.

11 & 12 W. c. 19.

For building and repairing county-gaols.

9 G. 3. c. 20.

For repairing shire-halls.

7 J. c. 4.

For the salary of the master of the house of correction, and relieving the weak and sick in his custody.

43 El. c. 2.

For the relief of the prisoners in the king's-bench and marshalsea prisons; and of poor hospitals in the county, and of those that shall sustain losses by fire, water, the sea, or other casualties, and other charitable purposes for the relief of the poor, as the justices in sessions shall think fit.

14 El. c. 5.

For the relief of prisoners in the county gaol.

14 G. 3. c. 59.

For the preservation of the health of the prisoners.

13 G. 3. c. 58.

For the salary of the chaplain of the county gaol.

19 C. 2. c. 4.

For setting prisoners to work.

12 G. 2. c. 29.

The treasurer's salary.

10 G. 3. c. 39.

Salary of persons making returns of the prices of corn.

12 G. 2. c. 29.

Charges attending the removal of any of the said general county rates by *certiorari*.

14 G. 2. c. 33.

Money for purchasing lands at the ends of county bridges.

17 G. 2. c. 5.

Charges of building or repairing houses of correction, and for fitting up and furnishing the same, and employing the persons sent thither.—Charges of apprehending, conveying, and maintaining rogues and vagabonds.

2 G. 3. c. 20.

Charges of the soldiers' carriages, over and above the officers' pay for the same, by the several yearly acts against mutiny and desertion, and by the militia act.

25 G. 2. c. 29.

The coroner's fee of 9d. a mile for travelling to take an inquisition, and 20s for taking it.

27 G. 2. c. 3.

Charges of carrying persons to the gaol, or house of correction.

14 G. 3. c. 20.

The gaoler's fees for persons acquitted of felony, or discharged by proclamation.

25 G. 2. c. 36.

Charges of prosecuting and convicting felons.

26 G. 2. c. 19.

Charges of prosecuting and convicting persons plundering shipwrecked goods.

Charges

Charges of maintaining the militia men's families, by the several militia acts.

Charges of bringing insolvent debtors to the assizes, in order to their discharge, if themselves are not able to pay. 32 G. 2. c. 28.

The charges of transporting felons, or conveying them to the places of labour and confinement. 6 G. c. 23. & 19 G. 3. c. 74.

Charges of carrying parish apprentices, bound to the service, to the port to which the master belongeth. 2 & 3 An. c. 6.

The churchwardens and overseers shall, in 30 days after demand made, out of the money collected for relief of the poor, pay the sums so assessed on each parish or place. And if they shall neglect or refuse so to pay, the high constable shall levy the same by distress and sale of their goods, by warrant of two or more justices residing in or near such parish or place.—Where there is no poor rate, the justices, in their general or quarter-sessions, shall by their order direct the sum assessed on such parish, township, or place, to be rated and levied by the petty constable, or other peace officer, as money for relief of the poor is by law to be rated or levied.—The high constables, at or before the next sessions respectively after they have received the money, shall pay the same to the treasurer; and the money so paid, shall be deemed the public stock.—And the said high constables shall deliver in a true account on oath (if required) of the money by them received, before the said justices at their general or quarter-sessions.—The treasurer shall pay so much of the money in his hands, to such persons, as the justices in sessions shall by their order from time to time appoint, for any uses and purposes to which the public stock of any county, city, division, or liberty, is or shall be applicable.—And shall deliver in a true account, on oath if required, of his receipts and disbursements, to the justices at every general or quarter-sessions, and also the proper vouchers for the same, to be kept amongst the records of the sessions.—And the discharge of the said justices, by their order at their general or quarter-sessions, shall be a sufficient discharge to the treasurer.—And no new rate shall be made, until it appear by the treasurer's accounts, or otherwise, that three-fourths of the money collected have been expended for the purposes aforesaid.—If the churchwardens and overseers of any parish or place shall think such parish or place is over-rated, they may appeal to the next general or quarter-sessions. 12 G. 2. c. 29.

Customs. See Excise, so far as justices of the peace, and other officers are concerned.

Custos Rotulorum.

37 H. 8. c. 1. **N**O person shall be appointed to the office of *custos rotulorum*, but such as shall have a bill signed with the king's hand for the same.

Debtors.

32 G. 2. c. 28. **I**NSOLVENT debtors brought to the assizes, in order to be discharged, shall pay for their bringing thither, not exceeding 12d. a mile; and if they are not able to pay, then the same shall be paid by the treasurer, out of the county-stock.

Demurrer.

Wood. b. 4. c. 5. **A** DEMURRER (from *demorari*) signifies an abiding in point of law, upon which the defendant joins issue allowing the fact to be true as laid in the indictment.

Deodand.

3 Inst. 57.

DEODAND is, when any moveable thing inanimate, or beast animate, doth move to or cause the untimely death of any reasonable creature, by mischance, without the will or fault of himself, or of any person.

Dissenters.

1 El. c. 2.

EVERY person, not having reasonable excuse, shall resort to their parish church or chapel, or upon reasonable let thereof, to some usual place where common-prayer shall be used, on every Sunday and holiday; on pain of punishment by the censures of the church, or of forfeiting for every offence 12d.

Every

Every person above the age of 16, who shall not repair to some church, or chapel, or usual place of common-prayer, shall forfeit for every month 20*l*. And if he shall forbear for 12 months, he shall be bound to good behaviour till he conform. 23 *El. c. 1.*

Every offender in not repairing to church, having been once convicted, shall, without any other indictment or conviction, pay half-yearly into the Exchequer 20*l*. for every month afterwards, until he conform; which if he shall omit to do, the king may seize all his goods, and two parts of his lands. 29 *El. c. 6.*

By the 1 *W. c. 18.* commonly called *the act of toleration*, which by the 19 *G. 3. c. 44.* is declared to be a public act, it is enacted, that the statutes aforesaid shall not extend to any person dissenting from the church of England, who shall at the general sessions of the peace to be held for the county or place where such person shall live, take the oaths of allegiance and supremacy, and subscribe the declaration against popery; of which the court shall keep a register.—Provided, that the place of meeting be certified to the bishop of the diocese, or to the archdeacon of the archdeaconry, or to the justices of the peace at the general or quarter-sessions.

If any person shall take upon him to preach or teach in any meeting or conventicle, in other manner than according to the practice of the church of England, he shall forfeit for the first offence 20*l*. and for every other offence 40*l*. And if he be a stranger, or in the judgment of the justice of the peace before whom he is convicted, unable to pay, it may be levied on the goods of any person present. 22 *Car. 2. c. 1*

But by the aforesaid act of toleration, and by the 19 *G. 3. c. 44.* No person dissenting from the church of England, in holy orders, or pretended holy orders, or pretending to holy orders, nor any preacher or teacher of any congregation of dissenting protestants, shall be liable to any penalty for dissenting, who shall, at the sessions as aforesaid, take the said oaths of allegiance and supremacy, and subscribe the said declaration against popery, and also make and subscribe a declaration in the words following, viz. *I A. B. do solemnly declare, in the presence of Almighty God, that I am a Christian, and a Protestant, and as such, that I believe that the scriptures of the old and new testament, as commonly received among protestant churches, do contain the revealed will of God; and that I do receive the same as the rule of my doctrine and practice.*

Distress.

A DISTRESS is the taking of a personal chattel out of the possession of the wrong doer, into the custody of the party injured, to procure a satisfaction for wrong committed.

2 *Inst.* 107.

Distress for rent must be, for rent in arrear. It must not be after tender of payment.

2 *W. f. i. c. 5.*

If any distress and sale shall be made, for rent in arrear and due, when none is in truth due, the owner shall recover double value with full costs.

11 *G. 2. c. 19.*

If any tenant shall fraudulently convey off the premises his goods or chattels, to prevent the landlord from distraining, such landlord, or any person by him lawfully empowered, may in 30 days next after such conveying away, seize the same wherever they shall be found, and dispose of them in such manner, as if they had been distrained on the premises. —And every person so offending, shall forfeit to the landlord * double the value of such goods, to be recovered in any court of record at Westminster. —But if the goods shall not exceed the value of 50*l.* the landlord or his agent may exhibit a complaint in writing before two justices of the peace of the same county or division, residing near the place where such goods and chattles were removed, or near the place where the same were found, not being interested in the lands or tenements whence such goods were removed; who may summon the parties concerned, examine the fact and all proper witnesses upon oath, and in a summary way determine whether such person or persons be guilty of the offence, with which he or they are charged; and to enquire in like manner of the value of such goods and chattles; and upon full proof of the offence, by order under their hands and seals the said justices shall adjudge the offender or offenders to pay double the value of the said goods and chattles; and if the offender or offenders, having notice of such order, shall refuse or neglect so to do, they shall by their warrant levy the same by distress; and, for want of such distress, may commit the offender or offenders to the house of correction, there to be kept to hard labour, without bail or mainprize, for the space of six months, unless the money so ordered to be paid as aforesaid shall be sooner satisfied. —Persons aggrieved by order of such justices, may appeal to the next general or quarter-sessions.

1 *Inst.* 47.

If a man break the pound, or the lock of it, or part of it, he greatly offendeth against the peace, and therefore hue and cry is to be levied against him, and the party who d strained

* See Appendix, No. 67.

may take the goods again, wheresoever he shall find them, and impound them again.

If any tenant at rack rent, or where the rent reserved shall be full three-fourths of the yearly value of the demised premises, who shall be in arrear for one year's rent, shall desert the premises, two justices (having no interest in the premises) may, at the request of the landlord, go upon and view the same, and affix on the most notorious part of the premises, notice in writing, what day (at the distance of 14 days at the least) they will return to take a second view; and if on such second view, the tenant shall not appear and pay the rent, or there shall not be sufficient distress on the premises, then the justices may put the landlord into possession, and the lease as to such demise shall from thence be void.—But the tenant may appeal to the next justice or justices of assize; who may award costs to either party.—And the justices in this, and all other the like cases, ought to make a record of the whole proceedings, to be produced afterwards in case of an action brought against the landlord by such tenant. 11 G. 2. c. 19.

In all cases where any justice of the peace is or shall be required or impowered by any act of parliament, to issue a warrant of distress, for the levying of any penalty inflicted, or any sum of money directed to be paid by such act, it shall be lawful for the justice granting such warrant, therein to order and direct the goods and chattles so to be distrained, to be sold and disposed of within a certain time to be limited in such warrant, not less than four days, nor more than eight days, unless the penalty or sum of money for which such distress shall be made, together with the reasonable charges of taking and keeping such distress, be sooner paid.—And the officer may deduct all reasonable charges out of the money arising by such sale; and the overplus (if any) shall be returned on demand to the owner of the goods so distrained. 27 G. 2. c. 20.

Dogs.

IF a person shall steal any dog or dogs, or shall receive or keep any such dog or dogs, knowing the same to have been stolen; every such person shall, on conviction upon the oath of one witness, or his or her own confession, before two justices, forfeit for the first offence any sum not exceeding 30*l*. nor less than 20*l*. as to such justices shall seem meet, together with the charges previous to and attending such conviction; and if not forthwith paid, the said justices shall commit the offender to the common gaol for any time not exceeding 12 calendar 10 G. 3. c. 18.

Dogs.

calendar months, nor less than six, or until the penalty and charges shall be paid; and for every second offence of the same kind, the offender shall forfeit not exceeding 50l. nor less than 30l. as to such justices shall seem meet; which said penalties, or any of them, when recovered, shall be paid, half to the informer, and half to the poor; and upon non-payment thereof, such justices shall commit the offender to the house of correction, for any time not exceeding 18 months, nor less than 12, or until the penalty and charges shall be paid; and such justices shall also order the offender to be publicly whipped, within three days after such commitment, in the town wherein such gaol or house of correction shall be, between the hours of twelve and one of the clock.—One justice, on information to him made, may grant a warrant to search for any dog stolen, or the skin thereof; and the person in whose custody such dog or skin shall be found, shall be liable to the like penalties, as persons convicted of stealing any dog or dogs are herein before made subject to.—If any person shall think himself or herself aggrieved, such person may appeal to the next general quarter sessions, within four days after the cause of complaint shall arise, giving 14 days notice of his intention to appeal.

[N. B. Some difficulties in this act are very properly pointed out in Burn, which see, article *Dogs*.]

Escape.

AN escape is, where one that is arrested gaineth his liberty, before he is delivered by course of law.

2 *Haw.* 139.
1 *H. H.* 604.

Wherever a person is found guilty upon an indictment or presentment of a negligent escape of a criminal actually in his custody, he is punishable by fine and imprisonment, according to the quality of the offence.

16 *G. 2. c.* 31.

If any person shall assist any prisoner to attempt his escape from any gaol, if such prisoner was then attainted or convicted of treason or felony (except petty larceny) or lawfully committed to, or detained in any gaol, for treason or felony (except petty larceny) expressed in the warrant of commitment; he shall be guilty of felony, and be transported for seven years; and if such prisoner was then convicted of, or detained in gaol for petty larceny, or any other crime not being treason or felony, expressed in the warrant of commitment, or was then in gaol for debt amounting to 100l. he shall be guilty of a misdemeanor, and be liable to fine and imprisonment.—And if any person shall convey, or cause to be conveyed, any disguise, instrument, or arms, to any prisoner

Escape.

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soner in gaol, he shall be guilty of felony, and be transported for seven years, or be liable to fine and imprisonment.—If any person shall assist a prisoner to attempt to escape *from any constable* or other person, who shall have lawful charge of him, he shall be guilty of felony, and be transported for seven years.—All prosecutions on this act to be commenced within a year after the offence committed.

Estray.

ESTRAY is, *where any horses, sheep, hogs, beasts, or * swans do come into a lordship, and are not owned by any man.* Kitch 23.

It seemeth to be agreed, that waifs and strays ought to be proclaimed in the two next market towns; and that if they are not proclaimed, the owner may take the stray goods again at any time. Cro. Eliz. 716.

He who taketh an *estray*, may keep it until he be satisfied for the finding, keeping, and proclaiming thereof. Dalt. Sher. 79.

Waifs and strays, not claimed within the year and day, are the lord's. Kitch 23.

That is to say, after he hath had the beast a year and a day from the time of the proclamation, and not from the time of the seizure: for after the first proclamation it becometh an *estray*, but not sooner. 11 Mod. 89.

Eftreat.

ESTREAT (*extractum*) is used for the true copy or note of some original writing or record, and especially of fines and amerciaments, imposed in the rolls of a court, to be levied by the bailiff or other officer.

In levying, the sheriff shall shew the *estreats* under the seal of the exchequer, to the party indebted; on pain of treble damages to the party, and fine to the king, on conviction before the justices of the peace, or other justices. 42 Ed. 3. c. 9.

And the sheriff shall make no *estreats* to levy his own amerciaments, till two justices (1 Q.) to be named at Michaelmas sessions by the *custos rotulorum*, or in his absence by the eldest 11 H. 7. c. 15.

* N. B. *Beet* are not written in this description, and cannot be reckoned among stray goods, yet where the property cannot be ascertained, they may be seized for the use of the king or the lord of the manor.

in the commission, have inspected his books; and the said estreats shall be indented betwixt the said justices and sheriff, sealed with their seals, the one part to remain with the justices, and the other with the sheriff: and the persons who shall gather the said amerciaments, shall be sworn by the said justices, that they shall take no more than is forfeited, and contained in the said estreats.

Evidence.

BEFORE a justice of the peace, in divers cases, one witness is sufficient to convict an offender; the same being directed by special statutes.

7 W. c. 3.

But in case of high treason, no person shall be attainted, but upon the oaths of two witnesses.

29 C. 2. c. 3.

Devises of lands shall be attested by three witnesses at the least.

2 Haw. 429.

The confession of the defendant, whether taken on an examination before justices of the peace, or in discourse with private persons, hath always been allowed to be given in evidence, against the party confessing, but not against others.

Theor. of Evid.
107.

An attainder, judgement, or conviction of treason, felony, perjury, or forgery on 5 *El.* and also judgment to stand on the pillory, or to be whipped or branded, are good causes of exception against a witness, while they continue in force.

2 H. H. 282.

The compulsory means to bring in witnesses are of two kinds. 1. By process of *subpœna*, issued in the king's name, by the justices, or others, where the trial is to be. 2. (which is the more ordinary and more effectual means in criminal cases) the justices that take the examination of the person accused, and the information of the witnesses, may at that time, or at any time after, and before the trial, bind over the witnesses to appear at the sessions; and in case of their refusal either to come, or to be bound over, may commit them for their contempt in such refusal.

27 G. 2. c. 3.

When any poor person shall appear on recognizance in any court to give evidence, the court may order the treasurer to pay him such sum as they shall think reasonable, except in *Middlesex*, where the same shall be paid by the overseers of the poor where the person was apprehended.

18 G. 3. c. 19.

The justices in sessions from time to time may lay down or alter such rules and regulations concerning any costs or charges to be allowed to any person by virtue of this act, as to them shall seem just; which rules and regulations, having received the approbation and signature of one or
more

more of the judges of assize, shall be binding on all persons whatsoever.

If any person, upon whom a process out of any of the courts of record shall be served, to testify or depose concerning any matter depending therein, and having tendered unto him a reasonable sum for his costs and charges, do not appear according to the tenor of the process, having not a lawful and reasonable impediment, he shall forfeit 10*l.* and shall yield such further recompence to the party aggrieved, as to the judge of the court shall seem meet. *5 El. c. 9.*

In criminal cases, if a witness hath been bound over, and do not appear, he shall forfeit his recognizance.

He who affirms the matter in issue, whether plaintiff or defendant, ought to begin to give evidence. *Lit. 36.*

The evidence both for and against a prisoner, ought to be upon oath.

But a quaker's affirmation, in all cases not being criminal, shall be allowed as evidence, without an oath; but in criminal cases, his affirmation shall not be allowed. *7 & 8 W. c. 34.*

It is no satisfaction for a witness to say, that he thinks or persuades himself; the judge ought to have more ground than thinking. *Dyer 53.*

The court may indulge a prisoner in examining the witnesses apart, but he cannot demand it of right. *St. Tr. V. 4, 9.*

In cases of life, no evidence is to be given against a prisoner, but in his presence. *2 Haw. 428.*

In every issue, the affirmative is to be proved. A negative cannot regularly be proved. *Theo. of Evid. 117.*

A prisoner may not call witnesses to disprove what his own witnesses have sworn. *St. Tr. V. 2. 792.*

A witness shall not be permitted to read his evidence, but he may look upon his notes to refresh his memory. *St. Tr. V. 445.*

A witness shall not be cross examined till he has gone thro' the evidence for the party on whose side he was produced. *St. Tr. V. 2792.*

A deposition taken by a witness before a justice of the peace, may at the prisoner's desire be read at the trial, in order to take off the credit of the witness, by shewing a variance between such depositions, and the evidence given in court. *2 Haw. 430.*

There may be four witnesses put in one *subpœna*.

Examination.

IF a felony is committed, and one is brought before a justice upon suspicion thereof, and the justice finds upon examination that the prisoner is not guilty, yet the justice shall not *Dalt. c. 164.*

Examination.

not discharge him, but he must either be bailed or committed; for it is not fit that a man once arrested and charged with felony, or suspicion thereof, should be delivered, upon any man's discretion, without farther trial.

In order to which bail or commitment, the examination and information of the parties must first be taken, according to the following statutes:

1 & 2 P. & M.
c. 13.

Two or more justices (1 Q.) or one of the said justices, before they bail a person apprehended for felony (if the offence is bailable) shall take his examination, and the information of them that bring him, of the fact and circumstances thereof, and the same, or as much thereof as shall be material to prove the felony, shall put in writing; which examination they shall certify (together with the bailment) at the next general gaol delivery, to be holden within the limits of their commission.—And they shall have power to bind by recognizance all such as do declare any thing material to prove the offence, to appear at the next general gaol delivery; and shall certify such recognizance in like manner.—And if they offend in any thing herein, they shall be fined by the justices of gaol delivery.

2 & 3 P. & M.
c. 10.

Where the person is not bailed, but committed, the justice or justices, who commit him, shall, before such commitment, take the like examination and information, and shall put the same in writing within two days after the said examination, and shall in like manner bind over the witnesses; and certify the whole as above.

1 H. H. 585.

If on some reasonable hindrance the justice cannot at the return of the warrant take the examination, he may by word of mouth command the constable or any other person, to detain in custody the prisoner till the next day, and then to bring him before the justice, for farther examination.

2 Haw. 119.

But the time of the detainer must be no longer than is necessary.

1 H. H. 585.

The examination of the person accused, ought not to be upon oath.

Dalt. c. 164.

But if upon his examination he shall confess the matter, it shall not be amiss that he subscribe his name, or mark to it.

2 Haw. 429.

Which examination being voluntary, and sworn by the justice or his clerk to be truly taken, may be given in evidence against the party confessing, but not against others.

Excise and Customs.

6 W. c. 1.

ALL officers, who shall have any employment in or about the customs, shall at their admission, if it is within the ports of London, take an oath of office before two commissioners;

sioners; and elsewhere, before two justices of the peace: and every person not taking such oath, shall forfeit his office. And the persons authorised to administer the oath, shall certify the taking thereof, to the next sessions.

If any carman, porter, waterman, or other person, shall assist in the taking up, landing, shipping off, or carrying away, any goods, without a warrant and presence of an officer of the customs, such person being apprehended by the warrant of any justice of the peace, and the same being proved by the oath of two witnesses, the said offender for the first offence shall by the justice be committed to gaol, until he be discharged by the lord treasurer, chancellor, undertreasurer, or barons of the exchequer; and for the second offence he may by any justice of the peace as aforesaid, be committed to the next gaol, there to remain for two months without bail, or until he shall pay to the sheriff 5*l.* for the king's use, or until he shall be discharged by the court of exchequer as aforesaid. 13 & 14 C. 2. c. 11.

The statute of 8 G. c. 18. brings the recognizance not only of the said forfeiture, but also of several others hereafter following, under the jurisdiction of the justices of the peace. All seizures may in a summary way be determined by two justices of the peace residing near the place where the seizure is made; who shall summon the party accused, and on appearance or default proceed to hear and give judgement, and issue warrants for sale of such as shall be by them condemned; whose judgment shall not be liable to any appeal or certiorari. 8 G. c. 18.

In trials of seizures, the justices shall proceed to the merits of the cause, without enquiring into the form or manner of seizure. 9 G. 2. c. 35.

Any officer of the customs or excise, and their assistants, may arrest persons who shall be found aiding in unshipping any uncustomed or prohibited goods to be laid on land; and shall forthwith carry them before a justice residing near; who shall, if he see cause, commit the offender to the county gaol till the next general quarter-sessions. In which case, the officer shall enter into recognizance in 40*l.* to appear and prosecute. And the justices at such sessions shall hear and determine the offence; and, in lieu of any other punishment by any former act, may commit the offender to hard labour in the house of correction, not exceeding three years, nor less than one. 19 G. 3. c. 69.

Where the officers of customs or excise shall find on board of any ship coming from foreign parts, within the limits of any port of this kingdom, more than one hundred pounds weight of tea (not being in an East India ship), or more than a hundred gallons of foreign brandy or other foreign spirituous liquors (over and above two gallons for every seaman) and

Excise and Customs.

and being in casks under 60 gallons; the master, or other person having charge of the ship, shall forfeit 300*l*. And the said officers, or their assistants, may arrest such master or other person, and carry him before a justice residing near; who shall before the justice enter into a recognizance of 300*l*, to appear in the court of exchequer within the first four days of the next term, to any information that may be exhibited against him: And the justice shall transmit the recognizance to the king's remembrancer in the said court. And if such person shall refuse to enter into such recognizance, the justice shall commit him to the next county gaol, till he shall enter into such recognizance.

9 G. 2. c. 35.

On oath made before a justice of the peace, that any person is lurking within five miles of the sea coast or any navigable river, and that there is reason to suspect that he waits with intent to be aiding in running goods, the justice may grant his warrant to bring him before him; and if he shall not give a satisfactory account of himself and his employment, or otherwise make it appear, that he is not concerned in any clandestine or unlawful business, he shall be committed to the house of correction, to be whipt and kept to hard labour not exceeding one month: And the commissioners of the customs or excise shall cause to be paid to the informer a reward of 20*s*. for each offender.—But if such person shall desire time for clearing himself, he shall not be punished by whipping or other correction, but be committed to the common gaol till he shall so do, or till he find security not to be guilty of any the said offences.

8 G. c. 18.

If any person shall knowingly receive or buy any run goods; he shall on conviction (after summons) by confession, or oath of one witness, before one justice where the offence shall be committed or the offender shall be found, forfeit 20*l*. half to the informer, and half to the poor, by distress; for want of distress, to be committed to prison for three months.

9 G. 2. c. 35.

All porters, and others, knowingly carrying run or prohibited goods, and who shall be convicted thereof (on appearance or default) on the oath of one witness, or confession, before one justice where the offence shall be committed, or the offender found, shall forfeit treble value, half to the informer, and half to the poor, to be levied by distress by warrant of such justice, and for want of distress shall be committed to the house of correction, to be whipt and kept to hard labour not exceeding three months.—Persons being two or more in company, who shall be found passing within five miles from the coast with more than six pounds of tea, or spiritous liquors exceeding five gallons, not having paid the duties, and not having a permit, or any other foreign goods of above 30*l*. value, landed without entry and payment of duties, and who shall carry any offensive arms, or wear any disguise,

disguise, or shall forcibly obstruct, or resist any officer of the customs or excise, shall be deemed runners of foreign goods.—And if any officer or other person shall lose any limb, or be otherwise maimed or dangerously wounded in endeavouring to apprehend him, he shall, on the conviction of such offender, have a reward of 50*l.* over and above any other reward he may be entitled to by this act.—And if any person be killed in endeavouring to apprehend such offender, his executors or administrators (on certificate under hand and seal of the judge of assize for the county where the act was done, or of the two next justices of the peace, of such person being so killed) shall have 50*l.* over and above any other reward they may be intitled to by this act.

If any persons, to the number of two or more, shall be found passing with any horse, cart, or carriage, whereon shall be laden more than six pounds weight of tea, or foreign spirituous liquors exceeding five gallons, not having paid the duty, and not having a permit; and shall carry any offensive arms, or wear any disguise, when passing with such tea or spirituous liquors; any officer of the customs or excise, and all other persons acting in their aid, may arrest the offenders, and carry them before a justice, who, if he see cause, shall commit them to the county gaol, 'till the next general quarter sessions. And in such case, the officer, who conveys any such offender before the justice, shall enter into recognizance in 40*l.* to appear and prosecute. And the commissioner shall order the charges of prosecution to be paid by the receiver-general of the customs or excise respectively. And the justices, at such sessions, shall hear and determine the offence. And if the offender be convicted, they shall, in lieu of any other punishment by any former act commit him to hard labour in the house of correction, not exceeding three years, nor less than one.

19 G. 3. c. 69.

And upon information on oath before a justice of the peace, that any persons, to the number of three or more, are or have been assembled, to be aiding in the clandestine running, landing, or carrying away prohibited and uncustomed goods, or to rescue them after seizure, and armed with fire arms or other offensive weapons, he shall grant his warrant to the constables and other peace officers, requiring them to take to their assistance as many as may be thought necessary for apprehending such persons; and he may, if on examination he find cause, commit them to the next county gaol, there to remain without bail or mainprize, until they be discharged by due course of law; and such persons, on conviction of their being assembled and armed as aforesaid, shall be adjudged guilty of felony, and transported for seven years.

9 G. 2. c. 35.

If any persons, to the number of three or more, armed with fire arms or other offensive weapons, shall be assembled

19 G. 2. c. 34.

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in order to assist in the exportation of goods prohibited to be exported, or in running any prohibited or uncustomed goods, they shall be guilty of felony without benefit of clergy.—And if any persons be charged with any the said offences, before a justice of the peace, by information on oath of one or more credible persons to be subscribed by him or them, the justice shall forthwith certify the same under his hand and seal, and return the information to one of the secretaries of state, who shall lay the same before the king in council; who may thereupon make his order, commanding the offender to surrender in 40 days after the first publication thereof in the gazette, to the lord chief justice, or any other of the justices of the king's bench, or to some justice of the peace, who thereon shall commit him to gaol, to answer the charge against him according to due course of law: And if such offender shall not surrender pursuant to such order, or escape after surrender, he shall be attainted of felony without benefit of clergy.—And if any person after the time appointed for surrender, shall knowingly harbour such offender, he shall, on conviction within one year, be guilty of felony, and transported for seven years.—And every person who shall take, or discover so that he may be taken, any person so advertised and not surrendering, and cause him to be brought before the judge of the king's bench, or justice of the peace for London or Middlesex (who shall commit him to Newgate) shall receive 500*l.* in one month after execution awarded, from the commissioners of the customs or excise respectively: And if any person shall be killed in apprehending such offender, his executors or administrators shall receive 100*l.*

13 & 14 C. 2.
c. 11.

Where any officer or officers of the customs shall be by any person armed, beaten or wounded, to the hazard of their lives, in execution of their office, every person so abusing any such officer or his deputy, shall, by the next justice or other magistrate, be committed to prison to the next quarter-sessions; and the said sessions shall punish him by fine, not exceeding 100*l.* and the offender to remain in prison till he be discharged, by order of the exchequer, both of the fine and of the imprisonment, or discover the person that set him on work.

1 G. 2. c. 34.

If any officer or other person employed in seizing any goods forfeited, or in endeavouring to apprehend offenders against this act, shall be beaten or killed, or the goods seized be rescued, the hundred shall answer damages, and also pay 100*l.* to the executors or administrators of such person killed, so as the sum for beating exceed not 40*l.* nor for the loss of goods 200*l.* to be recovered and levied as in cases of robbery by the 8 G. 2.—But no person shall recover damages for such beating or loss of goods, unless he give notice in four days to two inhabitants near, and in eight days make oath before a justice,

justice, whether he knew any of the persons concerned, and if he did, he shall be bound over to prosecute; and unless, besides the said notice and recognizance, he give such notice and enter into such recognizance as persons robbed by the 8 G. 2. are directed to give.

If any officer of the customs or excise shall not use his best endeavours to seize any tea, coffee, or foreign spirituous liquors, or to stop, detain, and carry before one or more justices any offender, in such case, one justice residing near to the place where such officer shall make default, on complaint thereof made to him within three months after such default, may examine into the truth of such complaint; and if it shall appear to the said justice, that there is reasonable ground for the complaint, he shall transmit the said complaint, together with the examinations taken before him thereon, unto the commissioners of the customs or excise respectively; who shall, by such ways and means as to them shall seem meet, examine into the truth of the premises. And in case they shall think fit on the ground thereof to dismiss the officer from his majesty's service, he shall be incapable of executing any office in the customs or excise for the future.—Provided, that no person shall be compelled to go above five miles from his usual place of abode, to be examined before any justice, upon any complaint made to him as aforesaid.

19 G. 3. c. 69.

Excise in general.

NO person shall be capable of intermeddling with any office relating to the excise, until he shall, before two justices in the county where his employment shall be, or before a baron of the exchequer, take the oaths of allegiance and supremacy, together with this oath following:

12 C. 2. c. 24.

You shall swear to execute the office of ——— truly and faithfully, without favour or affection, and shall from time to time true account make and deliver to such person or persons as his majesty shall appoint to receive the same, and shall take no fee or reward for the execution of the said office, from any other person than from his majesty, or those whom his majesty shall appoint in that behalf.

And the justices shall certify the taking of such oath to the next quarter sessions, there to be recorded.

And he shall also, within six months after his admission to the office, take the oaths and subscribe the declaration against transubstantiation, at the quarter-sessions; in like manner as other persons admitted to offices.

Gilb. Exch.

The collector's business is, every six weeks to go his rounds and in the intervals of rounds, he is to be assisting in prosecuting offenders before the justices.

12 Car. 2. c. 24.

In case of appeals, they shall be heard and determined by any two or more justices of the peace, residing near to the place where such forfeitures shall be made, or offence committed: and in case of neglect or refusal of such justices by the space of 14 days next after complaint made, and notice thereof given to the offender, the subcommissioners may hear and determine the same.

7 & 8 W. c. 30.

The commissioners and justices may summon witnesses, to appear before them at a certain day, time, and place, to be inserted in such summons, and to give evidence; and in case of neglect or refusal to appear, or if upon appearance any shall refuse to give evidence, he shall forfeit 10l.

12 G. c. 28.

One or more justices shall have power to administer an oath to any person skilled in the value of goods, vessels, or carriages, mentioned to have been seized in any information exhibited before the justices, who shall view the same; and after condemnation, the said goods shall be sold where the commissioners shall think proper.

12 Car. 2. c. 24.

The justices, commissioners, or subcommissioners, respectively, where they shall see cause, may mitigate, compound or lessen the forfeiture, penalty or fine; so as the same be not made less than double the value of the duty of excise which ought to have been paid, besides the reasonable costs and charges of such officers, or others, as were employed therein, to be to them allowed by the said justices.

Ale, Cyder, Perry, Vinegar, &c.

6 G. 3. c. 14.

IF cyder or perry, having paid the duties, shall afterwards, by being unfit for sale as cyder or perry, be charged with the duties on vinegar; three commissioners of excise, or two justices, on proof thereof, shall discharge the duties thereon imposed by this act.

15 Car. 2. c. 11.

As often as there shall be occasion, two able artists shall be appointed, one of them by the commissioners or subcommissioners, and the other by the brewers of any city or place; who shall be sworn before a justice, to take and compute the just contents and gage of all coppers, fats, and brewing vessels, and to deliver under their hands one copy of the contents to the commissioners and subcommissioners, and another to each respective brewer.

1 W. 1. c. 24.

The commissioners of excise or appeals, or justices of the peace, on complaint of any overcharge returned upon them by the gager, shall hear and determine the complaint; and examine witnesses on oath, and thereupon, or by other due proof,

Excise in general.

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proof, may discharge such complainant of so much of his charge as shall be made out before them.

Beer, Ale, Worts, &c.

FROM July 5, 1785, Every person selling beer, ale, or worts, in a less quantity than in a cask of four gallons and a half, at any one time, shall be deemed a retailer, and shall not be entitled to any allowance for waste by leakage, &c. 25 G. 3. c. 73.

Any two or more justices of the peace in England and Scotland respectively, without the limits of the head office of Excise, may order an allowance of 22l. for every 252 gallons of spirits made from malt, corn, or grain, where the duties have been already paid on the stock in hand, between Oct. 22 and November 1, 1784.

Every distiller applying for such allowance must give to the supervisor or collector six days' notice of his intention to apply to the Commissioners of Excise, or justices of the peace, that he may attend, and shew what the stock amounted to in October 1784.

The allowance once ascertained shall never again be examined.

The petition for allowance must be verified on oath before two commissioners, or two justices, as to the amount of the allowance claimed, the place where the spirits were made, and all other particulars set forth in the petition.

Candles.

IF the officer shall have cause to suspect, that candles are privately making, to avoid the duty, on oath made by such officer before a commissioner, or one justice residing near to the place, setting forth the ground of his suspicion, such commissioner or justice may, if he shall judge it reasonable, by special warrant authorize such officer, by day or night (but if in the night, in presence of a constable) to enter into every such place suspected, and to seize and carry away as forfeited all such candles as he shall there find so privately making, together with all materials then ready or preparing for making the same; and also all such candles as he shall find so concealed, together with the boxes or other package containing the same: And the person that shall be found privately making such candles, or in whose possession any such shall be found, shall forfeit 100l. 5 G. 3. c. 43.

No

25 G. 3. c. 74.

No person residing within the limits of the head office of excise in London, shall make candles, unless he occupy a tenement of 10l. per ann. and pay parish rates for the same; nor in any other part of the kingdom, unless he pay to church and poor.

By 8 Ann. c. 9, monthly entries were to be made in London and Westminster, and entries every six weeks elsewhere, by all makers of candles; which clauses are repealed, and by this act, All persons making candles shall every week make a true entry of the candles made within each week, at the next office of excise, on pain of forfeiting 20l. and they shall pay and clear off all the duties within one week after such entry is made.

Six hours' notice within the limits of the head office of excise in London, and twenty-four hours' notice elsewhere shall be given, before any chandler begins making candles, on penalty of 50l. if such notice is not given, and the making must be begun within three hours of the time mentioned in the said notice, or the notice is null and void.

If any officer of excise shall discover that the making of candles is privately carried on, without notice given, and he shall discover any person knowingly assisting therein, every person so discovered shall forfeit 20l. over and above all penalties that the proprietor or maker of such candles shall be liable to; the offender to be stopt, detained, and conveyed by the said officer of excise, and all other persons acting in his aid, before one or more justice or justices of the peace, who, on confession, or proof by the oath of one or more credible witnesses, may convict the persons so discovered, who shall immediately pay the said 20l. into the hands of the officer, or shall commit the offender to the house of correction to hard labour for two months from the day of such conviction. The penalty and time of imprisonment to be doubled for the second offence.

One moiety of the penalties imposed by this act, shall be to his majesty, the other to him or them that shall inform, discover, or sue for the same. The action or suit must be commenced within three months, with treble costs to the defendant, if the verdict shall pass in his or their favour.

Tea, Coffee, and Chocolate.

10 G. 2. c. 10.

IF any officer shall have cause to suspect, that any of the said goods shall be concealed, if it is within the bills, then on oath made before two commissioners, or elsewhere, before one or more justices, setting forth the ground of his suspicion, they may by warrant authorize such officer by day or night, but if in the night then in presence of a constable, to enter the

the place suspected, and seize and carry away the same (if found) as forfeited, together with the bags, canisters, and other package; and if any person shall obstruct such officer, he shall forfeit 100*l*.

Two commissioners or any justice of peace, on complaint by an officer on oath, that he suspects any dealer not to have made true entries, may summon such suspected person to appear with his books, and examine him on oath touching the truth of his entry; and if he shall refuse or neglect to appear, or to make such oath he shall forfeit 20*l*. 11 G. c. 30.

If any person shall dye or manufacture any sloe leaves, liquorice leaves, or the leaves of tea that have been used, or the leaves of any tree, shrub, or plant, in imitation of tea, and shall be thereof convicted upon the oath of one witness before one justice, he shall, for every pound of such leaves forfeit 5*l*. and on non-payment thereof, such justice shall commit him to the common gaol for any time not exceeding twelve months nor less than six, or until the penalty and charges shall be paid.—And if any person shall have in his custody any quantity (exceeding six pounds weight) of such leaves, and shall not prove, to the satisfaction of the justice, that such leaves were gathered with the consent of the owner of the trees, for some other use and not for the purpose of manufacturing them in imitation of tea, and shall be convicted thereof by the oath of one witness before one justice, he shall for every pound of such green or manufactured leaves so found in his custody, forfeit the sum of 5*l*. and on non-payment thereof, the justice shall commit him to the common gaol for any time not exceeding twelve months nor less than six, or until the penalty and charges shall be paid.—And if any excise officer or other person shall have cause to suspect that any such leaves shall be concealed in any place; on oath made before a justice, setting forth the ground of his suspicion, the justice may, if he judge it reasonable, by his warrant authorize such officer or other person, by day or night (but if in the night then in presence of a constable) to enter such place, and to seize and carry away as forfeited all such leaves, together with all the waggons, carts, boxes, &c. containing the same: and the said justice, or any other justice where such seizure shall be made, shall, on proof of the premises by the oath of one witness, by his warrant order the leaves so seized to be carried to some convenient place, and there to be burned or otherwise destroyed; and the said waggons, carts, boxes, &c. to be sold, and the money arising by such sale, after deducting the charges of seizure and sale, and of the burning or otherwise destroying the leaves, to be paid half to the informer, and half to the poor: and if any person shall obstruct such officer, he shall forfeit 17 G. 3. c. 29.

Excise. (Tea, Coffee, &c.)

forfeit 50l. on conviction by the oath of one witness before one justice; and on non-payment, the justice shall commit him to the common gaol for any time not exceeding twelve months nor less than six, or until the penalty and charges shall be paid.

17 G. 3. c. 29.

Provided, that no such leaves shall be burned or otherwise destroyed, if the owner thereof shall, within 24 hours after seizure, prove to the satisfaction of the justice, that they were gathered with consent of the owner, for some other use; in which case the said leaves, &c. shall by order of such justice be restored.

If any officer of excise shall find any increase in the stock of any dealer in teas, coffee, &c. [and spirituous liquors, unless by mixing water] since his last survey, such increase of the said stock shall be forfeited, and the person in whose stock such increase shall be found, shall also forfeit the sum of 20l.

11 G. c. 30.

The conviction shall be written on parchment or paper, in this or the like form: *Be it remembered, that on the — day of — in the year — A. B. was, upon complaint of C. D. convicted before me one of the justices of the peace for — in pursuance of an act passed in the seventeenth year of the reign of his majesty king George the third for [here set forth the offence] Given under my hand and seal the day and year above written; And shall be certified by the justice to the next sessions; and shall not be quashed for want of form, nor removed by certiorari into his majesty's court of king's bench.*

Id.

On re-working chocolate, proof shall be made (before the commissioners within the bills, and before two justices elsewhere) that the duties for the cocoa-nuts whereof it was made, and for those also which are added, have been paid, and the chocolate entered.

9 G. 2. c. 35.

If any person shall offer any tea to sale, not having a permit; or any pedlar, or other trading person, going from town to town, altho' he have a permit; the person to whom it is offered to sale may seize and detain the same, and carry it to the next warehouse belonging to the customs or excise, and bring the person before a justice of the peace to be by him committed to prison, and prosecuted for the penalties incurred for such offence.

Glas.

17 G. 3. c. 39.

NO person concerned in the glass-trade, or in any glass-house, shall act as a justice in any matter relating to duties thereon.

Hops.

Hops.

IF the officer shall put his mark of the weight of the hops upon any bag, before he hath weighed such bags and hops therein, he shall forfeit 40s. on conviction before one justice, by confession, or oath of one witness, by distress; half to the informer, and half to the overseers for the use of the poor.—And if any person shall forge, alter, or obliterate any such mark on such bag or pocket, he shall forfeit 10l. in like manner; and in default of payment, shall be imprisoned six months, or until he shall have paid the penalty.—Complaint shall be made within six calendar months.

If any person shall unlawfully and maliciously cut any hopbinds, see *Black Act*.

Leather.

TANNERS and others shall, before the carrying away of goods from the place of drying, make entry with the officer of the number and quality, and verify the same on oath, to be administered by any justice of the peace, or collector or supervisor; and they shall not remove any of the said goods, from the place of drying, until the duty be first charged, entered, and marked.—Any two justices residing near, may hear and determine offences; who shall, on information or complaint in three months after seizure made, or offence committed, summon the party accused, and the witnesses, and on appearance or contempt of the party (on proof of notice given) shall examine witnesses on oath, and give judgment, and issue warrants for levying the pecuniary penalties by distress and sale (if not redeemed in six days).—And they may mitigate the penalties, the charges of the officers being always allowed over and above the mitigation; and so as the mitigation do not reduce the penalties to less than one fourth part, over and above the charges.—Persons aggrieved may appeal to the next sessions.—And no certiorari shall be allowed.

Linen Cloth, Silks, and Cottons.

NO person shall use or wear in any apparel, any printed, painted, stained, or dyed callico; on pain of 5l. to the informer, on conviction, on the oath of one witness before one justice; who shall, on information, on oath, in six days after the offence, summon the party, and upon his appearance or contempt

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contempt examine the matter, and on proof by confession, or oath of one witness determine the same, and on conviction, cause the penalty to be levied by distress and sale, rendering the overplus (charges of distress and sale being first deducted): provided that persons aggrieved may appeal to the next quarter sessions, giving six days notice.

- 7 G. 3. 1. c. 7. Upon oath made by any person, that he hath reason to suspect, that any such stuffs are in the custody of any draper or other person for his use, without having thereupon such stamps or marks as the law directs; two commissioners within the bills, and two justices elsewhere, shall issue their warrant to any officer of the customs, with the assistance of a constable, in the day time, to search for the same, and to seize such goods, and bring them to the next office for the said duties.—One moiety of the penalties and forfeitures on this act shall be to the king, and the other moiety to him who shall sue.—If any question shall arise, whether any of the said stuffs wholly made of cotton were manufactured in Great Britain; the proof shall lie on the owner, and not on the prosecutor.—The penalties of this act shall not extend to such cloths as are dyed altogether in blue.

Malt.

2 & 3 Ed. 6.
c. 10.

THE justices in sessions, and the steward in the leet, may hear and determine the time for making malt, as well by presentment of 12 men, as by accusation or information of two honest witnesses.—If the bailiffs and constables of the town where malt shall be made, or put to sale, shall find it to be evil made or mingled with evil malt, they shall, with the advice of one justice, cause it to be sold to such persons, and at such reasonable prices, and under the common price of the market, as to him shall seem necessary and expedient.

12 Ann. 3. 1.
c. 2.

After the duty is paid, if any quantity shall be damaged by the sinking of the vessel in which the malt shall be transported from one part of the kingdom to another; the justices shall, at the next sessions, on proof of such damage and of the payment of the duty, settle the quantity of the damage, and the allowance to be made in respect thereof, and give a certificate of the sum allowed, which shall bear the same proportion to the whole duty, as the damage shall bear to the value of the malt: on producing of which certificate, the officer shall repay or allow to the proprietor the sum certified.—But where such loss shall happen, the person who shall sustain the same, shall three days before the next sessions, leave notice thereof in writing with the collector of the district where the loss shall happen, and of his intention of applying to the said sessions.—After the duty is paid, if any malt shall be destroyed

destroyed by fire; the owner may make proof thereof by two witnesses on oath, and of his having paid the duty, at the next quarter sessions, where such accident shall happen; who shall grant a certificate of such loss, on producing of which, the duty shall be repaid.

The penalties relating to this article (except where it is otherwise directed) shall be sued for, levied, and mitigated as by the laws of excise, or in the courts at Westminster; and be applied half to the use of the king, and half to him that shall sue. 24 G. 2. c. 40.

Persons aggrieved by any judgment of the justices, may appeal to the next quarter sessions, giving six days notice in writing. 1 G. 2. s. 2. c. 26.

And the sessions may award costs to either party, to be levied by warrant of the justices, or two of them, on the goods of the party.—And no certiorari shall be allowed, to set aside any order of the justices. 12 An. s. 1. c. 2.

Paper.

ALL the excise laws shall be in force for managing these duties; and the penalties shall be sued for, levied, mitigated and disposed of, as by the laws of excise. 24 G. 2. c. 40.

By 21 Geo. 3. c. 24. the statutes of 10 and 21 Ann. and 13 Geo. 3. respecting the duties on paper, &c. are repealed, and other duties are granted in lieu thereof.

After the duties by this act imposed on paper, &c. if any quantity of paper, &c. shall happen to be damaged by the casting away or sinking of the barge or vessel in which the said paper shall be transported from one part of this kingdom to another within the same, the justices of the peace, where such accident shall happen, shall at the next general quarter sessions to be held for such county, &c. upon proof of such damage, and of payment of the duties as aforesaid, determine and settle the quantity of the damage; and give a certificate under their hands and seals of the sum allowed.—Where any such loss or damage shall happen as aforesaid, the person or persons who shall sustain the same shall, three days at least before the next quarter sessions, give or leave notice, in writing thereof with the collector of excise, of his and their intention of applying, at the next general quarter sessions of the peace, for an allowance in respect of such damage or loss.

Plate.

EVERY goldsmith, silversmith, and plate-worker, shall, before he takes upon him to exercise the said trade, enter his name and mark, and place of abode, with the wardens of the 12 & 13 W. c. 4.

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company where an assayer is : And if he shall not make such entry, or shall strike any other mark, but what is so entered, he shall forfeit double value, half to the king, and half to him that shall sue.

32 G. 2. c. 24.

No goldsmith or silversmith shall sell any piece of plate or goods, or any ware in which the quantity of gold shall be of the weight of two ounces or upwards, or in which the quantity of silver shall be of the weight of thirty ounces or upwards, unless he shall have first paid a duty of 5*l.* for a licence. And this licence to be taken out yearly, ten days before the expiration of twelve calendar months from taking out the first licence; under a penalty of 20*l.* This act extends to persons selling gold or silver plate by auction, and also to pawnbrokers and refiners, who are required yearly to renew their licence.

31 G. 2. c. 32.

Prosecutions for offences against this act may be in the courts at Westminster; or otherwise, if within the limits of the chief office of excise in London, the same may be before three commissioners of excise, and in case of appeal before the commissioners of appeal; and elsewhere, before two justices residing near to the place where the offence was committed.

Id.

And the said commissioners and justices respectively, shall upon complaint or information on oath summon the party accused; and upon his appearance or contempt, shall proceed to the examination of the fact; and on due proof made thereof by confession, or oath of one witness, shall give judgment; and issue warrants under their hands for levying the penalties by distress (if not redeemed in 14 days); and for want of sufficient distress, shall imprison the offender till satisfaction be made.

32 G. 2. c. 24.

And they may mitigate the penalties of 20*l.* as by the laws of excise.

31 G. 2. c. 32.

Id.

Persons aggrieved may appeal to the next sessions.

All forfeitures (the necessary charges for the recovery thereof being first deducted) shall be distributed, half to the king, and half to him who shall inform or sue.

Salt.

5 W. c. 7.

NO person shall be capable of any office relating to these duties (other than that of chief commissioner) until he shall, before two commissioners, or two justices of the peace where he shall be appointed officer, take the oaths of allegiance and supremacy, and the oath of office.

10 & 11 W. c. 22.

Where any rock salt, for which the duties shall have been paid or secured, shall be melted and refined, the person who shall

shall refine it, shall have an abatement out of the duty of the white salt, of so much as was charged on the said rock so melted and refined; so as the rock so refined were before the melting thereof weighed in the presence of the officer; and so as oath be first made before a justice near adjoining, of the particular quantity of rock salt by such refiner employed in making the said white salt; and so as due proof be made upon oath or otherwise, that the duties for the said rock salt so refined were paid or secured.

The collector shall provide at every salt-work or pit, sufficient scales and weights for weighing the salt that shall be delivered from thence; and one or more persons living near, shall be admitted and sworn to the true weighing of such salt, before one justice near adjoining, without fee; and he shall be paid by the collector or officer for the duties.—The lord mayor and aldermen in London, and the justices of the peace in the country at their general sessions, may set and publish in writing the prices of salt, and alter the same as there shall be occasion; and persons refusing to sell at such price, or selling at a higher price, shall forfeit 5*l.* half to the king, and half to the informer, by distress, by warrant of the lord mayor, or any such justice; and in default of sufficient distress, shall be imprisoned, till paid.

7 & 8 W. c. 31.

No person dealing in salt, shall sell it otherwise than by weight, after the rate of 56 pounds to the bushel, on pain of 5*l.* to the informer; to be determined by two justices residing near: And the party grieved may appeal to the next sessions. And the said justices shall on complaint summon the party accused, and on appearance or contempt examine the matter, and on proof by the oath of two witnesses, or confession, give judgment, and shall issue their warrant to levy the same by distress, and cause sale thereof to be made, if not redeemed in six days, rendering the overplus, and for want of sufficient distress, shall imprison the offender till satisfaction is made.

9 & 10 W. c. 6.

No person shall buy salt otherwise than by weight, and not by measure; on pain of 10*s.* a bushel, and so proportionably.

1 An. st. 1. c. 21.

Where any salt that hath paid duty is lost at sea, the merchant or owner of the salt shall, on proof made by the oath of two witnesses, whereof the master or mate shall be one, at the quarter-sessions, that the same was not occasioned by any negligence or default of the master or mariners, receive from the said sessions a certificate that such proof was made before them; and on producing the certificate to the salt officer, he shall let him buy the like quantity duty free.

2 & 3 An. c. 14.

If any person is aggrieved by an order of two justices relating to the duties upon salt, or to any forfeiture or offence concerning the same; he may appeal to the next quarter sessions.

10 & 11 W. c. 22.

But

1 An. st. 1. c. 21

But no dealer in salt shall act as a justice of the peace in any matter relating to the duties upon salt; and if there shall not be a sufficient number of justices in any corporation, nor dealers in salt, the justices of the county shall have power to act therein.

Soap.

27 G. 3. c. 52.

THE duty on all soap made within the kingdom is one penny half-penny a pound.

5 G. 3. c. 43.

No maker shall have any private pipe or conveyance, on pain of 100l. And if any person shall obstruct the officer in such search, he shall forfeit 100l.—Provided, that if upon search no such pipe shall be found, the officer shall make good any damage done to the ground, wall, or other place, or make satisfaction to the owner, to be adjudged by the two next justices; or he may bring his action for the damages.

3 G. 2. c. 21.

If the officer shall have cause to suspect, that soap is privately making in any place, or that any soap is concealed with intent to avoid the duty, in such case, on oath made by such officer before a commissioner, or one justice residing near to the place, setting forth the ground of his suspicion, such commissioner or justice may, if he shall judge it reasonable, by special warrant authorize such officer, by day or night (but if in the night, in presence of a constable) to enter into every such place suspected, and to seize and carry away as forfeited all such soap, as he shall there find so privately making, together with all materials then ready or preparing for making of soap; and likewise all such soap as they shall find so concealed, together with the boxes or other package: And the person that shall be found privately making soap, or in whose possession such soap shall be found, shall forfeit 100l.

3 G. 2. c. 21.

Where any such soap shall be seized as forfeited, and no person shall claim the same in 20 days, the justices shall proceed to trial and condemnation thereof. And the judgment thereon shall not be liable to any appeal, or be removed by certiorari.—But in any other case, if the party is not satisfied with any judgment of the justices, he may appeal to the next quarter-session.—And on information, the mitigation shall not reduce the penalty to less than a fourth part, over and above the costs to be allowed.

Spirituuous Liquors.

17 G. 3. c. 30.

IF any officer of the excise have cause to suspect, that any foreign spirits shall be fraudulently concealed in any place, entered or not entered, if it is within the bills of mortality, then

then on oath made before two commissioners, if elsewhere, before one justice, where he suspects them to be concealed, setting forth the ground of his suspicion; he or they may by special warrant authorize such officer by day or night (but if in the night, in presence of a constable) to enter, seize, and carry away the same as forfeited, together with the casks or vessels: And if any person shall obstruct such officer, he shall forfeit 100l.

If any officer of excise shall have cause to suspect any private still, back, or other vessel, spirits, low wines, wash, or other materials prepared for distillation, to be set up or kept in any place, and shall make affidavit before a justice of the peace, and therein declare the grounds of his suspicion, he may in the day-time, and in presence of a constable, by warrant from such justice to be directed to such officer of excise, break open the door or any part of such suspected house or place, and enter and seize the same, and detain them there; and if they shall not in 20 days be claimed by the owner, they shall be forfeited, and sold at the next general day of sale; and if they be claimed in 20 days, the person claiming shall forfeit for every warehouse or other place, in which any such still, back, or other vessel shall be found, and also for every such still, back, and other vessel found therein, 200l.

He shall, by a subsequent act, incur this forfeiture, whether he shall make any such claim or not.

In case any officer or officers of excise shall know, or have cause to suspect, that any private or concealed still, back, or other vessel, spirits, low wines, wash, or other materials, preparing for distillation, are set up or kept in any house or place: if such house or place shall be within the limits of the chief office of excise, upon oath made by such officer or officers before the commissioners of excise, or any two or more of them; or, in case the same shall be in any other part of Great Britain, upon oath made by such officer or officers, before one or more justice or justices of the peace of the county, riding, division, or place, where such officer or officers shall suspect the same to be set up and kept, setting forth the ground of such his or their suspicion; it shall and may be lawful to and for the said commissioners of excise, or justice or justices of the peace respectively, before whom such affidavit or affidavits shall be made, if he or they shall judge it reasonable, by special warrant under his or their respective hands and seals, to authorize and empower such officer or officers, by day or night, (but if in the night-time, then in the presence of a constable, or other lawful officer of the peace, who are hereby required to be aiding and assisting therein), to break open the doors or any part of such house or place, where he or they shall so know or suspect such pri-

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23 G. 3. c. 72.

Excise. (*Spirituous Liquors.*)

vate or concealed still, back, &c. are so set up and kept, and to enter into such house or place, and to seize all and every such stills, or other vessels, and all such materials preparing for distillation, which he or they shall find and discover, and either to detain and keep the same in the house or place where found, or to remove the same to the office of excise next to the place where the same shall be so discovered and found; and in case the same shall not, within ten days next after such seizure, be claimed by the true and lawful owner thereof, then the said materials for distillation shall be absolutely forfeited, and the proprietor of any such private or concealed still, back, or other vessel, or the person in whose custody the same shall be found, shall forfeit and lose, for every place in which every such private still, back, or other vessel, shall be so found, and also for every such still, back, and vessel, found therein, the sum of two hundred pounds: and if any person or persons shall obstruct, oppose, molest, or hinder, any officer or others in their duty, every person so offending shall forfeit the sum of two hundred pounds.

23 G. 3. c. 70.

And, from September 29, 1783, any person who shall be found aiding and assisting in any private distillation, shall forfeit 30l. over and above all other penalties and forfeitures: that the proprietor, or person in whose custody or possession the same shall be found, is now subject and liable unto; and it shall and may be lawful for the officer and officers of excise, and all other persons acting in their aid and assistance, to stop, arrest, and detain, all persons so discovered, and to convey them before one or more justice or justices of the peace for the county, riding, division, city, or liberty respectively, wherein such persons shall be so discovered as aforesaid; and it shall and may be lawful to and for such justice or justices of the peace respectively, on confession of the party, or by proof on the oath of one or more credible witness or witnesses made of such offence, to convict the person or persons so discovered as aforesaid: and the person or persons so convicted shall, immediately on such conviction, pay the said sum of thirty pounds, into the hands of the officer who shall have conveyed such offender before such justice or justices of the peace, to be applied in manner as herein-after is directed; and on such offender or offenders refusing or neglecting to pay the said sum of thirty pounds, the justice or justices so convicting as aforesaid, shall and may, by warrant or warrants under his or their hand and seal, or hands and seals, commit the offender or offenders to the house of correction for the said county, &c. there to remain and be kept to hard labour for the space of six months, to be reckoned from the day of such conviction, and the person or persons so committed shall not be discharged until he, she, or they, shall have paid the said sum of thirty pounds, or until the expiration of the said
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six months; and the person or persons so convicted, again offending, shall, upon the like conviction, forfeit and pay, for such second offence, the sum of sixty pounds, and shall be committed to the house of correction in manner aforesaid, there to remain for and during the term of one year, or until the said sum of sixty pounds shall be paid.

But if on breaking open any such door or house, no such private still, or other vessel for distillation, shall be found, the officer shall make good the house or place so broken up, or make satisfaction to the owner to be adjudged by the two next justices (1 Q.); or the party injured may bring his action for the damages; and if any person shall obstruct such officer, he shall forfeit 200l. 10 & 11 W. c. 4.

Every person keeping any wash fit for distillation, and having in his possession any still, the cubic contents of which, when the head is on, will amount to two gallons, proof thereof being made, by the oath of one witness, before one commissioner of excise or justice, shall be deemed a common distiller for sale, and liable to the survey and duties. 19 G. 3. c. 50.

No distiller shall have any private pipe or stop cock, or other conveyance, by which any wash or other liquors fit for distillation may be conveyed from one back or vessel to another, on pain of 100l. 10 & 11 W. c. 4.

The excise officer in the day time, and in presence of a constable, on request made and cause declared, may break up the ground in any distilling-house, or the ground near adjoining, to search; and on finding such pipe or other conveyance, may break up the ground, house, wall, &c. through or into which any such pipe or other conveyance shall lead, and may break or cut any such pipe or other conveyance, and may turn any cock to try whether such pipe may convey any wash or other liquor.—And if no such pipe or private conveyance be found, the officer shall make good the ground, wall, house, or other place, or make reasonable satisfaction to the owner, to be adjudged by the two next justices (1 Q.) or the party injured may bring his action for damages; the same to be paid by the commissioners out of the revenue of excise. And if any person obstruct such officer, he shall forfeit 100l. 1d.

The officer at all times, by day or night (but if in the night, in presence of a constable, oath being first made before a justice dwelling near of a probable cause of suspecting a concealment) may *enter into all such warehouses, shops, or other places, and by tasting, gaging, or otherwise, take an account of the quantity and quality; and if any such retailer shall hinder the officer, he shall forfeit 50l. 9 G. 2. c. 23.

* No mention is here made of a warrant, but only his having made oath: It should seem that a warrant would be necessary to justify the officer's entrance.

8 G. c. 18.

No foreign spirits, although under one gallon, shall be received into the custody of any retailer, without a permit, signifying that the duties were paid, or that they had been condemned, on pain of forfeiting the same, and the vessel.

16 G. 2. c. 8.

No person shall retail any distilled spirituous liquors or strong waters, mixed or unmixed, without a licence taken out ten days before, for which he shall pay 40s. yearly.— And such person shall also be first licensed to sell ale, &c. by two or more justices of the peace.

2 G. 2. c. 28.

And the justices of the peace, and other officers, shall have the same jurisdiction over such retailers of spirituous liquors, as they have over alehousekeepers.

16 G. 2. c. 8.

Persons retailing, or selling less than two gallons, without licence, shall forfeit 10l. and on non-payment when demanded, one justice, on oath of such neglect, shall commit the offender to the house of correction, to be kept to hard labour for two months, or till paid.

26 G. 2. c. 13.

And the said penalty shall in no case be mitigated below the sum of 5l.

9 G. 3. c. 6.

The justices may, if they think proper, instead of levying the penalty, commit the offender to the house of correction, to be kept to hard labour for two months.—All the distilled spirituous liquors that shall be then, or at any time within six months after conviction, found in his custody, shall, by warrant of the said commissioners, or of one justice, be seized, and staved, or otherwise destroyed: And any peace or parish officer, authorized by such warrant, may at any time, in six months after conviction, enter such places, and break open doors, if not opened on demand: And if any person shall offend again in like manner, the commissioners or justices before whom he shall be convicted of such subsequent offences, may inflict the penalties by any former law to be inflicted for such offence, and also commit the offender to the house of correction, to be kept to hard labour not exceeding three months.

And the conviction shall be in this form, or to the like effect, viz.

Middlesex. A. B. is convicted on his own confession (or on the oath of A. W.) of having sold strong waters in the parish of — in this county, on the — day of — without being duly licensed thereto: This is the first or second conviction. Given under my hand and seal, &c.

24 G. 3. c. 40.

And the commissioners, or one justice, on oath of any offence against this act, may grant a warrant to any of the peace officers, or other parish officer, to enter and search the houses and other places, where the offence shall be sworn to have been committed, or in the occupation of the persons sworn

sworn to be guilty thereof, and they may break open the doors, if not opened on demand, and seize all such distilled spirituous liquors as they shall there find, and detain the same, till the offence shall be heard and determined; and if the offender be convicted, the liquors shall be forthwith staved; and if he be not convicted, the same shall be restored.

No person shall hawk, sell, or expose to sale any spirituous liquors about the streets, highways, or fields, in any wheel-barrow or basket, or on the water in any boat, or in any other manner; or shall sell or expose the same to sale, on any bulk, stall, or shed, or any place other than in taverns, victualling-houses, inns, coffee-houses, or ale-houses, on pain of 10*l.* And one justice on his own view, or confession, or proof of one witness, may convict him; whereupon he shall immediately pay the 10*l.* to a churchwarden or overseer: And on refusal or neglect, the justice shall commit him to the house of correction to be kept to hard labour for two months, to be reckoned from the day of commitment; and he shall not be discharged till he pay the sum, or till the two months be expired. If there is no informer, it shall be wholly to the use of the poor; otherwise half to the informer, and half to the poor. 9 G. 2. c. 23.

And any one justice, on information on oath against such person, may (without any previous summons) issue his warrant for apprehending and bringing him before such justice where the offence was committed.—And any person may seize and detain him, until he may give notice to the constable, churchwarden, overseer, or other peace or parish officer, who shall carry the person so seized and detained, before a justice of the peace, who shall proceed thereon as in the case where he is brought by the constable. 17 G. 2. c. 17.

No licence shall be granted for retailing of any spirituous liquors within any gaol, prison, or house of correction, work-house, or house of entertainment for parish poor.—And any justice, on information on oath that spirituous liquors or strong waters are kept and disposed of in any such place, may enter and search, or empower by warrant any constable to search for and seize all such liquors as shall be found (except such as are directed to be used medicinally) and to stave and destroy the same.—And if any person shall bring, or endeavour to bring any such liquors (except in the way of medicine as before-mentioned) into any such gaol or other place, the gaoler or his servants may apprehend and carry such offender before any justice of the peace, who shall hear and determine such offence in a summary way; and if by the oath of one witness, or otherwise, such person shall be convicted, he shall 11 G. 2. c. 26.

shall be committed to prison, or to the house of correction, for any time not exceeding three months; unless he shall immediately pay down such fine not exceeding 20*l.* and not less than 10*l.* as the justice shall impose, to be paid half to the informer, and half to the poor of such prison or workhouse.—And the gaoler, keeper, master, or other officer, shall procure a copy of this regulation, to be printed or fairly written, and hung up in one of the most public places of his gaol, house of correction, or workhouse aforesaid, and renew the same from time to time, so that it be always kept fair and legible; on pain of 40*s.* by warrant of one justice, on oath of one witness. And any justice may enter and demand a sight of it; and if it shall not be shewn to him hung up in some public place fair and legible, he shall immediately convict such person, and so from time to time, as often as he shall think fit; half to be to the informer, and half (or the whole, if there be no informer) to the poor of such gaol or other place.—No person shall recover any debt on account of spirituou liquors, unless it shall *bona fide* have been contracted at one time to the amount of 20*s.* or upwards: And if any retailer, with or without a licence, shall take any pawn by way of security for payment of any money for such liquors, he shall forfeit 40*s.* by warrant of one justice, half to the poor, and half to the informer; and the owner shall have such remedy for recovering such pawn, as if it had never been pledged.

24 G. 2. c. 40.

If any persons to the number of five or more, shall in a riotous manner assemble to rescue any offenders against any act relating to spirituou liquors, or to assault any person who shall have given or is about to give any information against, or shall seize or bring to justice any offender, he, his aiders and abettors, shall be guilty of felony, and transported for seven years.

9 G. 2. c. 35.

Sellers without a permit, or pedlars with one, punishable as in the case of tea, &c.

6 G. 2. c. 17.

For spirits drawn from British corn, there was to be allowed a drawback by the excise officers at the port of shipping, of 4*l.* 18*s.* a ton, in full of all drawbacks.

33 G. 2. c. 9.

There was to be an additional drawback of 2*l.* 10*s.* a ton on all British-made spirits exported; oath being made before two commissioners of excise, or justices of the peace, that the duties were paid, and that the same were to be exported for *merchandize* to be spent beyond the seas.—And on oath being made before one commissioner or justice of the peace, or other person authorized by the commissioners, that the duties are paid, and that the same are to be shipped as stores to be spent in the voyage; and on certificate from the officer of excise where such spirits were shipped, of the quantity so shipped, and that the same were proof spirits, and shipped in the presence

fence of such officer, the duty shall be allowed or paid back.
—Provided, that no drawback shall be allowed for spirits shipped as *stores*, in any vessel of less than 100 tons burthen.

On oath made before two commissioners of excise, or justices of the peace for the place from which spirits are intended to be exported, that the same were drawn and made in Great Britain from corn under the regulations of this act, and that the same are to be exported for merchandize to be spent beyond the seas, the distiller shall be paid by the commissioners of excise, or their collector for the port or place where such spirits shall be shipped, the bounty of 31. 12s. a ton, and so in proportion for a greater or less quantity.

Provided, that no drawback shall be allowed, for any British-made spirits, exported as merchandize, in any cask containing less than 100 gallons, or in any vessel of less burthen than 100 tons.

— Except to Africa and Newfoundland; unto which places they may be exported as merchandize, in any vessel not being of less burthen than 70 tons.

On oath made before two commissioners or justices, that the rum is to be exported for merchandize to be spent beyond the seas; and on producing a certificate from the excise-officer of the quantity shipped, and that a certificate was produced from the proper officer of delivery from the warehouse, on bond being given for the due exportation thereof, and also upon delivery of such last-mentioned certificate, the person having custody of the bond for payment of the duties shall deliver it up; or if only a part of the rum contained in the bond shall be certified to be shipped off, then such quantity shall be indorsed upon the bond.

A like drawback shall be allowed for two years, for rum exported as *stores* to be spent in the voyage.

The justices within the limits of the head office of excise in London, shall once in every month transmit to the clerk of the peace, a certificate of all persons convicted before them for any offences against this or any former act relating to spirituous liquors, or for licensing the retailers thereof; who shall keep and enter the same among the records of the court: which certificate shall be evidence upon any information relating to spirituous liquors.

Starch and Hair Powder.

IF any officer of the duties upon starch or of the customs, shall have any cause to suspect that starch is privately making in any place, or concealed; then upon oath made before any commissioner or justice residing near, setting forth the ground of

2 G. 3. c. 5.

33 G. 2. c. 9.

6 G. 3. c. 46.

8 G. 3. c. 25.

19 G. 3. c. 22.

24 G. 2. c. 40.

23 G. 2. c. 21.

of his suspicion, such commissioner or justice may issue his warrant, to authorize such officer by day or night (but if in the night, in presence of a constable) to enter such suspected place, and seize and carry away the same, with the materials, as forfeited, together with the boxes and other things containing it: and unless the party make it appear that the duty has been paid, he shall forfeit 50*l.* and if any person obstruct the officer, he shall forfeit 100*l.*

4 G. 3. c. 14.

The officers of excise or customs may seize any starch or hair powder, with the horses and package, where they have good reason to suspect that it hath been privately made, or imported without payment of duty, or reloaded after drawback: and shall in ten days exhibit an information before three commissioners of excise, or two justices near where the seizure is made; and if the party doth not make it appear that the duty hath been paid, it shall be forfeited, together with the horses and package; and the offender shall likewise forfeit 5*l.* for every hundred weight.

23 G. 2. c. 21.

And where any such starch shall be seized as forfeited, and no person shall claim the same in 20 days, the justices shall proceed to trial and condemnation thereof: and the judgment thereon shall not be liable to appeal, nor be removed by certiorari.

If the party is not satisfied with any judgment of the justices, on the act of 23 G. 2. 21, above-mentioned, he may appeal to the next quarter sessions (except in the case beforementioned, where no person shall claim the goods seized) and the mitigation on the said act of 23 G. 2. shall not reduce the penalty to less than a fourth part, over and above the charges.

Exportation.

21 G. 3. c. 30.

IF any person in Great Britain or Ireland, shall pack or put on board any vessel, for exportation to foreign parts, any machine, tool, or utensil, used in the woollen, cotton, linen, or silk manufactures, or any model of such machines, &c. any justice may grant a warrant for seizing such machines, &c. and bringing such person before him; and if a satisfactory account be not given to the justice, he may detain such machines, &c. and bind the party to appear at the next assizes, or quarter sessions of the peace, with reasonable sureties; and on neglect of giving security, the party may be committed to the common goal or house of correction, there to be kept until the next assizes, or next quarter sessions; and until he, she, or they shall be delivered by due course of law; and in case any such person or persons shall be convicted, the person or persons so offending shall, for every such offence, not only forfeit all such

such machines, &c. but also the sum of two hundred pounds of lawful money of Great Britain; and shall also suffer imprisonment in the common gaol, prison, or house of correction, for the space of twelve months, without bail or mainprize, and until such forfeiture shall be paid.

And if oath shall be made before a justice of any such prohibited machines, &c. being intended to be exported, they may be seized and detained, and the person in whose possession they are found may be bound to appear at the next assizes, or quarter sessions of the peace.

Extortion.

EXTORTION, in a large sense, signifies any oppression under colour of right; but in a strict sense, it signifies the taking of money by any officer, by colour of his office, either where none at all is due, or not so much is due, or where it is not yet due. *1 Haw. 170.*

The justices of the peace are bound by their oath of office, to take nothing for their office of justice of the peace to be done, but of the king, and fees accustomed, and costs limited by statute. *Dalt. c. 41.*

And generally, no public officer shall take any other fees or rewards, for doing any thing relating to his office, than some statute in force gives him, or than hath been anciently and accustomably taken; and if he do otherwise, he is guilty of extortion.—The fees in sessions, for traversing, trying, or discharging indictments, discharging recognizances, and the like, do vary according to the different customs in different places. *Id.*

Felony.

IT would be very tedious to set down every thing which may be comprehended under this word *Felony*; therefore it is necessary to refer the consideration of the several particular kinds of felonies to their respective titles; as *Homicide, Robbery, Burglary, Rape, Coin, Forgery*, and especially *Larceny*. The course and whole procedure of trying an offender, is treated of under the title *Sessions*.

The felon shall pay the charges of his carrying to gaol, if 3 *J. c. 10.* able; to be levied by distress by warrant of one justice.

If he is not able, the same shall be paid, by order of such justice, by the treasurer out of the county rate; and in Middlesex,

delex, by the overseers of the poor, where the party was apprehended.

25 G. 2. c. 36.

The court, before whom any person hath been tried and convicted of any grand or petit larceny, or other felony, may at the prayer of the prosecutor, and on consideration of his circumstances, order the treasurer of the county in which the offence shall have committed, to pay him such sum as they shall judge reasonable, not exceeding the expences he was put to in carrying on the prosecution, with a reasonable allowance for his time and trouble.

18 G. 3. c. 19.

The justices in sessions may lay down or alter from time to time, such rules and regulations concerning any costs or charges thereafter to be allowed to any person by virtue of this act; which rules and regulations, have received the approbation and signature of one or more of the judges of assize, shall be binding, and not otherwise, on all persons whatsoever.

27 G. 2. c. 3.

When any poor person shall appear on recognizance to give evidence, whether any bill of indictment be preferred or not, the court may order the treasurer to pay him such sum as they shall think reasonable.

14 G. 3. c. 20.

Every person, charged with any felony or other crime, against whom no bill of indictment shall be found, or who shall on trial be acquitted, or who shall be discharged by proclamation for want of prosecution, shall be immediately set at large in open court, without paying any fee to the sheriff or gaoler; and such fees as had been usually paid, not exceeding 13s. 4d. for each person, shall, on the certificate of a judge or justice before whom such prisoner shall have been discharged, be paid out of the general county rate.

Misprision of Felony

1 H. H. 374.

IS the concealing of a felony which a man knows, but never consented to. The punishment of which, in a common person, is fine and imprisonment; in an officer, as sheriff, &c. imprisonment for a year, and ransom at the king's pleasure.

3 Ed. 1. c. 9.

4 Inst. 140.

If any person will save himself from the crime of misprision, he must discover the offence to a magistrate with all the speed that he can.

Theftbote

1 H. 125.

IS, where one not only knows of a felony, but takes his goods again, or other amends not to prosecute.

Fireworks.

Fireworks.

IF any person shall make or sell any fireworks, or implements for making the same, he shall, on conviction before one justice, or chief magistrate, by confession, or by oath of two witnesses, forfeit 5l. half to the poor, and half to the prosecutor; to be levied by distress, by warrant of such justice or chief magistrate.—And if any person shall permit any the same to be cast or fired, from his house or other place thereto belonging, into any public street or road, or any other place, he shall forfeit 20s. in like manner.—And if any person shall cast or fire the same into any public street, house, &c. he shall forfeit 20s. in like manner, or be committed to the house of correction to be kept to hard labour for any time not exceeding one month, unless he shall sooner pay the forfeiture.—But nothing herein shall extend to the office of the ordnance, or to the artillery company. 9 & 10 W. c. 7

Fish and Fishing. See Game.

Forcible Entry and detainer.

NONE shall make any entry into any lands or tenements, or other possessions, but where entry is given by the law; and in such case not with strong hand, nor with multitude of people, but only in a peaceable and easy manner; on pain of imprisonment and ransom at the king's will. 8 H. 6. c. 9.

The party grieved, if he will lose the benefit of his treble damages and costs, may be aided and have the assistance of the justices at the general sessions, by way of indictment on the statute of 8 H. 6.

In the caption of which indictment, it will be sufficient to say, *justices assigned to keep the peace of our lord the king*, without shewing that they have authority to hear and determine felonies and trespasses; for the statute enables all justices of the peace, as such, to take such indictment and the tenement in which the force was made, must be described with convenient certainty; and must set forth that the defendant actually entered; and ousted the party grieved; and continueth his possession at the time of finding the indictment. 1 Hawk. 147.

But if a man's wife, children, or servants do continue in the house or upon the land, he is not ousted of his possession. Dalt. c. 132.

For a more speedy remedy, the party grieved may complain to any one justice, or to a mayor, sheriff, or bailiff, within their liberties. 8 H. 6. c. 9.

O

But

Forcible Entry and Detainer.

But altho' one justice alone may proceed in such cases, yet it may be adviseable for him, if the time for viewing the force will suffer it, to take to his assistance one or two more justices.

Dalt. c. 44.

After complaint made to such justice, by the party grieved, of a forcible entry made into lands, tenements, or other possessions, or forcible holding thereof, he shall, within a convenient time, at the costs of the party grieved (without any examining or standing upon the right or title of either party) take * sufficient power of the county, and go to the place where such force is made.

R. 2. c. 2.

And if after such entry made, the justice shall find such force, he shall cause the offenders to be arrested.

Id.

All such justices ought to make a record of such force by them viewed; which record shall be a sufficient conviction of the offenders, and the parties shall not be allowed to traverse it: and this record, being made out of the sessions, by a particular justice, may be kept by him; or he may make it indented, and certify the one part into the king's bench, or leave it with the clerk of the peace, and the other part he may keep himself.

15 R. 2. c. 2.

And the offenders, being arrested (as before is said) shall be put in the next gaol, there to abide convict by the record of the same justice, until they have made fine and ransom to the king.

3 H. 6. c. 9.

The justice shall make his precept to the sheriff, commanding him in the king's behalf, to cause to come before him, sufficient and indifferent persons, dwelling next about the lands so entered, to enquire of such entries; whereof every man shall have lands or tenements of 40s. a year, above reprises. And the sheriff shall return issues on every of them, at the day of the first precept returnable 20s. and at the second day 40s. and at the third 100s. and at every day after double. And the sheriff making default, shall on conviction before the same justice, or before the judge of assize, forfeit 20l. half to the king, and half to him who shall sue, with costs; and moreover shall make fine and ransom to the king.

Id.

And if such forcible entry or detainer be found before such justice, then the said justice shall cause to reseize the lands and tenements so entered or holden, and shall restore the party put out, to the full possession of the same.

31 El. c. 11.

No restitution upon an indictment of forcible entry, or holding with force, shall be made, if the person indicted have had the occupation, or been in quiet possession for three years together next before the indictment found, and his estate

* All people of the county, as well the sheriff as others, shall be attendant on the justices, to arrest the offender; on pain of imprisonment and fine to the king.

therein

therein not determined; and if it is found against the party indicted, he shall pay such costs and damages as the judges or justices shall assess; to be recovered as costs and damages in judgment on other actions.

Such judges, justices, or justices of the peace, as may give restitution unto tenants of any estate of freehold, may give the like unto tenants for term of years, &c. of lands or tenements by them so holden, which shall be entered upon by force, or holden from them by force. 21 J. c. 15.

Although regularly the justices only who were present at the enquiry, and when the indictment was found, ought to award restitution, yet if the record be certified by the justice or justices into the king's bench, the justices of that court may award a writ of restitution to the sheriff, to restore possession to the party expelled.—If a forcible entry or detainer shall be made by three persons or more, it is also a riot, and may be proceeded against as such, if no enquiry hath before been made of the force. Dalt. c. 44.

Foreign Service.

ON complaint on oath before a justice, that any person is endeavouring to seduce or draw away any manufacturer or artificer, or that he hath contracted or is preparing to go out of the kingdom, he may issue his warrant to bring such person before him or some other justice; and if it shall appear to such justice by confession, or the oath of one witness, that such person was guilty of any the said offences, he may bind him over to the next assizes or sessions, to answer the premises; and if he shall upon indictment be there convicted of any such promise or contract, or preparation to go beyond the seas, he shall give such security, not to depart out of the realm, as such court shall think reasonable, and be imprisoned until such security be given. 35 G. c. 27.

If any person shall contract with, or endeavour to persuade or seduce any artificer in the manufactures of Great-Britain, to go into any foreign country, not belonging to the crown of Great-Britain, and shall be thereof convicted, in twelve months, in the king's bench, or at the assizes, he shall, for every such person, forfeit 500l. and be imprisoned in the common gaol for 12 months, and till payment of the forfeiture; and for a second or other subsequent offence, shall forfeit 1000l. and be imprisoned two years, and till payment. 23 G. 2. c. 13.

If any person shall have in his possession tools or implements proper for the cotton or linen, woollen or silk manufactures, and oath shall be made before one justice that there is 14 G. 3. c. 71.

reason to believe such person hath in his possession such tools or implements or part thereof, with intent to export the same to some other part or place than Great Britain or Ireland, such justice shall issue his warrant to seize all such tools or implements, and parts thereof, and also to bring the person complained of before him or some other justice: And if he shall not give a satisfactory account to such justice, of the use or purpose to which such tools or utensils are intended to be appropriated, the said justice shall cause the same to be detained, and bind the person so charged, with reasonable sureties, to appear at the next assizes or sessions; and if he shall not give such security, the justice shall commit him to gaol till the next assizes or sessions, and until he shall be delivered by due course of law. And if he shall be there convicted, he shall forfeit 200*l*.—All which forfeitures, by this act inflicted on offenders, shall be applied half to the king, and half to him who shall sue.

29 G. 2. c. 17.

If any subject shall enlist or enter himself, or if any person shall procure any subject to enlist or enter himself to serve any foreign prince, without his majesty's leave, he shall be guilty of felony without benefit of clergy. But if any person enlisted, or enticed to go beyond the seas in order to be enlisted, as a non-commission officer or private soldier, in any foreign service, shall in 14 days voluntarily discover upon oath, before any justice or other civil magistrate, the person by whom he was enlisted or enticed, so as he be convicted, he shall be indemnified.

Forgery.

FORGERY is an offence at common law, and an offence also by statute.

Barl. 244.

Mr. Barlow says, that a justice of the peace may take an information thereof, bind over the informers, examine the offender, certify his examination to the proper judges, and commit him to prison in order to abide his trial.

18 G. 3. c. 18.

If any person shall falsely make, alter, forge, or counterfeit, or willingly act or assist in the false making, altering, forging, or counterfeiting any acceptance of any bill of exchange, or the number or principal sum of any accountable receipt for any note, bill, or other security for payment of money, or any warrant or order for payment of money, or delivery of goods, with intent to defraud any person or corporation; or shall utter or publish the same as true, with intent to defraud any person or corporation, knowing the same to be false, he shall be guilty of felony, without benefit of clergy.

Frame-

Frame-Work-Knitters.

ALL frame-work knitted pieces and stockings, made of thread, cotton, worsted, or yarn, or of any mixture therewith, shall be marked with the same number of let-holes, and no more, as there are threads contained in each piece or pair.—And if any frame-work-knitter, hosier, or other person, shall sell or expose to sale, any of the said goods; not so marked as aforesaid, he shall forfeit the same, and also 5l. for each piece or pair.—And one justice where the offence shall be committed (not being a frame-work knitter, hosier, or proprietor of frames) may convict the offender, on the oath of one witness: And if the penalties or forfeitures shall not be forthwith paid, the said justice shall issue his warrant to levy the same by distress; and if no goods, or not sufficient, can be found, such justice shall, on oath made to him by the person who shall have the execution of the warrant, commit the offender to the common gaol of the place where the offence was committed, for any time not exceeding three months, unless the penalties and forfeitures shall be sooner paid and satisfied. All which penalties and forfeitures shall be applied, half to the informer, and half to the poor.—Persons aggrieved may appeal to the sessions: And the justices there, on due proof of notice given, and recognizance entered into, shall hear and determine the same.—Provided, that nothing herein shall extend to abridge or take away any rights or privileges, of the master, wardens, and assistants, of the company of frame-work-knitters. 6 G. 3. c. 29.

Fuel.

ALL billets shall contain in length three feet and four inches, and be assized and marked; otherwise, on information to a justice of the peace, mayor, or other head officer, he shall call before him six good and lawful men of the town, and shall swear them truly to enquire and present, whether the same be of good and sufficient assize, and if they shall present that any of them is not sufficient, the same so being deficient, shall be forfeited, and be delivered to the overseers, to be by them distributed to the poor. 10 An. c. 6.

Game.

WHERE any person for an offence against any law in being at the making of this act, for the better preservation of the game, shall be liable to pay any pecuniary penalty or sum of money, on conviction before a justice of 8 G. 2. 19.

of the peace, the prosecutor may either proceed to recover the same in such manner as that law directs, or he may sue for the same (before the end of the second term after the offence committed, 26 G. 2. c. 2.) by action of debt, or on the case, bill, plaint, or information, in any court of record at Westminster, wherein if he recovers, he shall have double costs.

2 G. 3. c. 19.

Whereas a moiety of the said penalty by several acts is directed to be applied to the use of the poor of the parish where the offence was committed, by reason whereof inhabitants of the said parish have been * disallowed to give evidence; it is enacted, that it shall be lawful for any person to sue for the whole of such penalty to his own use, and if he recovers, he shall have double costs; such action to be brought within six months after the offence committed.

Concerning Gamekeepers.

22 & 23 C. 2.
c. 25.

ALL lords of manors, or other royalties, not under the degree of an esquire, may, by writing under their hands and seals, authorize one or more gamekeeper or gamekeepers, within their respective manors or royalties; and may empower him thereby, upon their own manors, to kill hare, pheasant, partridge, or any other game.

3 An. c. 14.

But if the gamekeeper shall, under colour thereof, kill or take the same for the use of the lord, and afterwards sell and dispose thereof without the lord's consent, and be convicted, on complaint of such lord, and on oath of one witness, before one justice, he shall be committed to the house of correction for three months, to be kept to hard labour.

But no lord of a manor shall make above one person to be gamekeeper within any one manor, with power to kill game. And the name of such person shall be entered with the clerk of the peace where the manor lies; and a certificate thereof shall be granted by the clerk of the peace, on payment of one shilling.

9 An. c. 25.

And if any other gamekeeper, whose name is not so entered, who shall not be otherwise qualified by the laws of this kingdom to kill game, shall kill, sell, or expose to sale any hare, pheasant, partridge, &c. he shall, on conviction before one justice, on oath of one witness, forfeit for every offence 5l. half to the informer, and half to the poor, by distress; for want of distress, he shall be sent to the house of correction for three months for the first offence, and for every other offence four months.

19 G. 2. 11.

No lord of a manor shall make any person to be a gamekeeper with power to kill game, unless such person be qua-

* N. B. This inconvenience is obviated by an act passed in the last session (27 G. 3.) whereby parishioners are qualified to be witnesses against offenders, though the penalties be ordered to be applied to the use of the poor.

lised

lified by the laws of the realm so to do; or unless such person be truly and properly a servant to the said lord.

The gamekeeper (so authorized) may search for dogs and engines, and seize the same for the use of the lord, or destroy them. 22 & 23 C. 2. c. 25.

But it hath been adjudged, that an authority from the lord of the manor is not of itself sufficient for this purpose; but that he ought to have a warrant from a justice of the peace; after information and oath of the offence first made. Cam. 183.

Every person, not having lands and tenements, or some other estate of inheritance, in his own or his wife's right of the clear yearly value of 100l. per annum *, or for term of life, or not having lease or leases of 99 years, or for any longer term, of the clear yearly value of 150l. (other than the son and heir apparent of an esquire, or other person of higher degree, and the owners and keepers of forests, parks, chafes, or warrens, being stocked with deer or conies for their necessary use, in respect of the said forests, parks, chafes, or warrens) is hereby declared to be a person by the laws of this realm, not allowed to have or keep for himself or any other person, any guns, bows, greyhounds, setting dogs, ferrets, nets, gins, snares, or other engines for the taking and killing of game. 22 & 23 C. 2. c. 25.

If any person, not qualified by the laws of this realm so to do, shall keep or use any greyhounds or setting dogs, or any engines, to kill and destroy game, and shall be thereof convicted on the oath of one credible witness, before one justice, he shall forfeit 5l. half to the informer, and half to the poor of the parish where the offence was committed, to be levied by distress and sale of the offender's goods; for want of distress, he shall be sent to the house of correction for three months for the first offence, and for every other offence four months.—And any justice, and lord within his manor, may take away such dogs, nets, or other engines, which shall be in the power or custody of any person not qualified, 5 An. c. 14.

The constable, authorized by a justice's warrant, shall enter into and search the houses, outhouses, or other places belonging to such houses of suspected persons not qualified; And if any hare, partridge, or other game, shall be found, the offender shall be carried before a justice; and if such person do not in some convenient time, to be set by the justice, produce the party of whom he bought the same, or some other credible person, to depose upon oath such sale thereof, he shall be convicted by the said justice of such offences, and upon such conviction shall forfeit for every hare, partridge, 4 & 5 W. c. 23.

* Upon this it hath been shrewdly remarked, that there is fifty times the property required to enable a man to kill a partridge, as to vote for a knight of the shire. 4 Blackst. 175.

† See Appendix, No. 25, 26, 27, 28.

or other game, any sum not under 5s. and not exceeding 20s. half to the informer, and half to the poor, by distress; for want of distress, he shall be committed to the house of correction for not more than one month, nor less than ten days, there to be whipt and kept to hard labour.

5 An. c. 14.

If any higler, chapman, carrier, innkeeper, victualler, or alehousekeeper, shall have in his custody or possession, or shall buy, sell, or offer to sale any hare, pheasant, partridge, &c. unless such game in the hands of such carrier be sent up by some person qualified; (or if any person whatsoever, whether qualified or not, shall sell, expose, or offer to sale any hare, pheasant, partridge, moor, heath-game, or grouse, 28 G. 2. c. 12) he shall be carried before a justice where the offence is committed; and being convicted thereof (in three months after the offence) on view, or oath of one witness, he shall forfeit for every hare, pheasant, partridge, &c. the sum of 5l. half to the informer, and half to the poor, by distress; for want of distress, he shall be committed to the house of correction for the first offence three months, and for every other offence four months.

3 An. c. 14.

And any justice of the peace, and lord within his manor, may take away any such hare, pheasant, partridge, &c. from any such higler, chapman, &c. or any other person not qualified, which shall be found in his custody or possession.

28 G. 2. c. 12.

If any hare, pheasant, partridge, &c. shall be found in the shop, house, or possession of any poulterer, salesman, &c. or of any person not qualified in his own right to kill game, or intitled thereunto under some person so qualified, it shall be deemed an exposing thereof to sale.

25 G. 3. c. 50.

The act 24 G. 3. *sess.* 2. c. 43. being repealed; it was enacted by 25 G. 3. c. 50. that from and after July 1, 1785, every person delivering into the office of the clerk of the peace, or his deputy, for the county where he shall reside, an account of his name and place of abode, shall be annually entitled to a certificate thereon, paying two guineas for the same; and every deputation of a game-keeper shall be registered with the clerk of the peace, and a certificate shall annually be taken out, chargeable with a stamp of 10s. 6d. Every person, residing in cities and towns that are counties of themselves, and have no clerks of the peace, may apply to the office of the clerk of the peace of any county, riding, or place adjoining to such city or town, for the purpose of receiving such certificate.

Correct lists of certificates are annually to be transmitted to the stamp-office by the several clerks of the peace, under a penalty of 20l. which lists may be inspected by any person on paying 1s. and no more; and those lists shall once or more in a year be inserted by the commissioners of stamp duties in the

news-

news-papers of each county, or such other public news-paper as they shall think proper.

Any person, who after July 1, 1785, shall shoot at or kill any game, without a certificate as is abovementioned, shall forfeit 20*l*. 25 G. 3. c. 50.

Any person having obtained such certificate and producing it, may require the certificate of any person using any dog, gun, or net, for destroying game, to be produced; and the person refusing to shew the same, or, not having produced it, refusing to give in his christian and surname, and the place of his residence, or giving in a false or fictitious name or place of residence, shall forfeit 5*l*.

The times of killing game are limited as by former acts, *Id.* notwithstanding such certificates, nor shall this act give to any person any right to take or destroy game, unless such person shall be duly qualified so to do, by the laws now in being; but he shall be liable to the same penalties in any of the said laws, as if this act had not been made.

Gamekeepers are not allowed by any certificate to kill game out of the limits of the manor, for which the deputation was given; and in case of any new appointment of a gamekeeper &c. duly registered, the former certificate shall be null and void; and the person acting under the former one shall be liable to the penalties of this act. 24 G. 3. sess. 2. c. 43.

Penalties for offences against this act may be sued for and recovered in any of his Majesty's courts by action of debt, bill, plaint, or information. *Id.*

Any justice of the county, where the penalty doth not exceed 20*l*. may summon the parties before him, and hear and determine the matter in a summary way, and by the oath of one or more credible witness or witnesses, may give judgment, and levy the penalties by distress, to be sold, if not redeemed within six days, and the overplus, if any, to be rendered to the owner; or, in default of distress, the offender may be committed for *six months* (in another part of the act, *three months*) or till the penalties shall be paid. Persons summoned as witnesses, and not appearing at the time and place appointed, shall forfeit 10*l*. to be levied by distress, as above, if not paid.

N. B. A clause in this act tends to obviate any doubt which might arise from the mention of two different times of imprisonment of offenders not having sufficient goods to answer penalties in the act 25 G. 3. c. 50.; and fixes the time of imprisonment to *three months* and no longer. 26 G. 3. c. 82.

Persons aggrieved by such justice may appeal to the next general quarter-sessions, whose determination shall be final. 24 G. 3. sess. 2. c. 43.

[For the Form of Conviction see the end.]

P

The

24 G. 3. *sess.* 2.
c. 43.

12.

The justice, where he shall see cause, may mitigate the penalties, reasonable costs in prosecuting the same being always allowed, over and above the mitigation, so as not to reduce the penalties to less than a moiety of the penalties incurred, over and above the said costs and charges.

The duties granted by this act are to be paid to the receiver general of the stamp duties, and by him paid into the Exchequer; and all pecuniary penalties for offences against this act, may be sued for and recovered in any of his Majesty's courts at Westminster for England; or the court of sessions, or court of Exchequer for Scotland; and the plaintiff, if he or she shall recover any penalty, shall recover it for his or her own use, with costs of suit.

By the yearly mutiny acts, if any officer or soldier shall, without leave of the lord of the manor under his hand and seal, destroy any hare, coney, pheasant, partridge, pigeon, or other fowl, poultry, or fish, or his majesty's game, and be convicted thereof, on oath of one witness, before one justice, every officer so offending shall forfeit 5*l.* to the poor: and the commanding officer upon the place, for every offence committed by any soldier under his command, shall forfeit 20*s.* in like manner. And if, upon conviction by the justices, and demand thereof made by the constable or overseers of the poor, he shall not in two days pay the said penalties, he shall forfeit his commission.

Laws for preserving the four-footed Game in particular.

Deer-stealing by ancient statutes.

H. 7. c. 7.

WHEN information shall be made, of any unlawful hunting, in any forest or park, by night, or with painted faces, to any of the king's counsel, or to a justice of the peace, of any person to be suspected thereof, he may make a warrant to take and arrest the person, and to have him before the maker of the warrant, or any other of the said counsel, or justices of the peace, who may by their discretion examine him of the said hunting.—And if any person shall be convicted of any such huntings, with painted faces, vizors, or otherwise disguised, to the intent they should not be known, or of unlawful hunting in time of night, then the same person so convicted, to have like punishment as he should have if he were convicted of felony.

1 J. c. 27.

Every person who shall sell, or buy to sell again, any deer, shall on conviction at the assizes, or sessions, or before two justices out of sessions, forfeit for every deer 40*s.* half to him that will sue, and half to the poor.

By

By the 16th G. 3. c. 30. which repeals in whole or in part the former acts relating to this subject, if any person shall shoot at, or otherwise attempt to kill, wound, or destroy, or shall carry away, any red or fallow deer, in any forest or chase, whether inclosed or not, or in any inclosed park where deer are, or have been usually kept; or shall be aiding therein, he shall forfeit for every such offence the sum of 20l. and shall for every deer so wounded, killed, destroyed, taken, or carried away, forfeit the sum of 30l.

It shall be lawful for one justice, on complaint to him made on oath by any credible person, that there is reason to suspect any person of having in his custody or possession, any red or fallow deer which shall have been unlawfully killed, or the head, skin, or other part thereof, or any slip, noose, toyle, snare, or other engine, for the unlawful taking of deer, — by his warrant, to cause such person, and his dwelling-house, &c. to be searched; and if any such shall be found, to cause the same, and such person so having possession, to be brought before any justice having jurisdiction: And if such person shall not produce before such justice the party of whom he received the same, or satisfy such justice that he came lawfully by such deer, or the head, skin, or other part thereof, or had a lawful occasion for such slip, noose, toyle, snare, or other engine, or did not keep the same for any unlawful purpose; he shall forfeit not exceeding 30l. nor less than 10l. at the discretion of such justice.

16 G. 3. c. 30.

On complaint or information on oath of one witness before one justice, of any offence against this act; such justice (except in such cases only where the justice is especially directed previously to summon the party before him) may, by his warrant, cause the party complained of to be apprehended and brought before him, at such time and place as shall be specified in such warrant: And thereupon such justice may proceed to hear and determine the matter of such complaint. — And where it is provided by this act, that the party complained of shall be summoned to appear, if the party so summoned shall not appear; then on proof of the service of such summons, either personally, or by leaving the same at his dwelling-house, lodgings, or other usual place of abode, it shall be lawful for the justice to apprehend him by warrant, and to proceed as if no previous summons had been directed by this act. — And it shall be lawful for any keeper or under-keeper, and their servants or assistants, to seize and apprehend upon the spot any person whom they shall discover in the actual fact of hunting, coursing, killing, wounding, shooting at, taking, destroying, or carrying away, any red or fallow deer, from any forest, chase, purlieu, or ancient walk, whether inclosed or not, or in any inclosed park, paddock, wood, or any other inclosed ground, or attempting so to do;

or in setting or laying any net, wire, slip, noose, toyle, snare, or other engine therein, for taking, killing, or destroying of deer; and to carry such offender before some neighbouring justice, to be dealt with according to law.—The pecuniary penalties on this act may be recovered before one justice, on the oath of one witness or confession; half to the king, to be paid for his use into the hands of such person as the justice shall direct, and half to the informer. And in case of non-payment thereof, with the charges incident to the conviction, immediately upon the conviction, the same shall be levied by warrant of such justice by distress; and for want of sufficient distress, the offender, except in such cases where it is otherwise provided by this act, shall be committed to the common gaol for one whole year, unless the said penalty and charges shall be sooner paid.—And if upon conviction he doth not immediately pay the penalty, the justice may order him into custody during such time, not exceeding three days, as such justice shall think proper to allow for return of the warrant of distress.—Provided, that if it shall appear to the satisfaction of such justice, either by confession of the party or otherwise, that he hath not goods or chattels sufficient whereon to levy the penalty, the justice may, without issuing any warrant of distress, commit the party convicted, as if a warrant of distress had been issued, and a *Nulla Bona* returned thereon.—Provided also, that if any person committed for any first offence against this act shall, before his commitment to prison, procure security to be given by two sufficient sureties, to the satisfaction of such justice, for payment of the penalty with the charges incident, within six days, inclusive of the day of conviction; the justice may accept of such security, and on non-payment thereof at the time, may cause the party and his said sureties to be apprehended by warrant, and commit them to the common gaol, for such time as the party convicted was liable to have been imprisoned if no such security had been given, unless the penalty or [probably *and*] charges shall be sooner paid.—If any offender for his first offence be committed for want of sufficient distress, and shall, whilst in gaol, obtain the consent in writing of the prosecutor, and also of the owner, or other person chiefly intrusted with the care of the deer in the forest or other place, for his enlargement; the justices in sessions may cause him to be brought before them, and by their order may direct the gaoler to set him at liberty.—The conviction shall be fairly written on parchment or paper, in the following form of words, or any other form to the like effect:

Be it remembered, that on the — day — in the year — A. O. was, upon the complaint of A. I. convicted before — of the justices of the peace, for — in pursuance of an act passed

in the sixteenth year of the reign of his majesty king George the third, for — (as the case shall be). Given under my hand and seal, the day and year above-written.

And the same shall be certified to the next sessions, to be there filed amongst the records.

Destroying Game punishable by the BLACK ACT, which see.

Destroying covert for deer. See Burning.

EVERY person who shall trace or course any hares in the snow, shall, on conviction before two justices, by confession, or oath of two witnesses, be committed to gaol for three months, unless he pay to the churchwardens for the use of the poor, 20s. for every hare; or after one month after his commitment become bound by recognizance with two sureties in 20l. each, before two justices, not to offend again in like manner. 1 J. c. 27.

If any person shall be found or apprehended setting or using any snares, hare-pipes, or other like engines, and shall be thereof convicted, by confession, or oath of one witness, before one justice, in one month after the offence, he shall give the party injured such damages, and in such time, as the justice shall appoint, and shall pay down presently to the overseers for the use of the poor, such sum, not exceeding 10s. as the justice shall appoint; which if he shall not do, the justice shall commit him to the house of correction for any time not exceeding one month. 22 & 23 G. 2. c. 25.

If any person whatsoever shall take or kill any hare in the night-time, he shall, on conviction before one justice, on oath of one witness, forfeit 5l. half to the informer, and half to the poor, by distress, or for want of distress, shall be sent to the house of correction for three months for the first offence, and for every other offence four months. 9 An. c. 25.

If any person shall knowingly and wilfully kill, take, or destroy, or use any gun, dog, snare, net, or other engine, with intent to kill, take, or destroy any hare in the night, that is to say, between the hours of seven at night and six in the morning from the 12th day of October to the 12th day of February, and between the hours of nine at night and four in the morning from the 12th day of February to the 12th day of October; or, in the day-time, upon a Sunday or Christmas day, he shall, on conviction on oath of one witness, before one justice, forfeit for the first offence not exceeding 20l. nor

nor less than 10l.; and for the second offence not exceeding 30l. nor less than 20l. And the justice shall cause the conviction to be made out in the manner and form following: *Be it remembered, That on the — day of — in the year of our Lord — A. B. is convicted before me — one of his majesty's justices of the peace for the county of —* (specifying the offence, with the time and place where the same was committed, and also specifying that it was the first or second offence against this act, as the case shall be). *Given under my hand and seal the day and year aforesaid.* Which conviction the said justice shall cause to be fairly written on parchment, and returned to the next sessions to be filed by the clerk of the peace; who shall, upon application to him made, deliver copies thereof, on payment of 1s. for each copy.

But in case any information shall be made upon oath as aforesaid before a justice against an offender, and it shall appear that such offender hath already been convicted of a first and second offence; in such case, the justice shall commit him to the common gaol or house of correction till the next general quarter-sessions, unless he shall have entered into recognizance with two sufficient sureties to appear at such sessions, then and there to be tried by indictment for the said offence; and such justice shall also bind over the informer to prosecute the said offender by indictment as aforesaid.

Provided, that no proceedings shall be upon this act, unless information on oath be made before a justice, within one calendar month after the offence committed.

The said forfeitures for the first and second offence, and also for the third offence, on conviction at the sessions, together with the costs and charges previous to and attending such conviction (to be ascertained by the justice or justices before whom the offender shall be convicted) shall be forthwith paid, half to the informer, and half to the poor. And if such person shall refuse or neglect to pay the same, or to give security for the payment thereof, such justice or justices shall, by their warrant, cause the same to be levied by distress: And the said justice or justices may order such offender to be detained in safe custody, until return may conveniently be had to the warrant of distress, unless the party shall give sufficient security, by recognizance or otherwise, to the satisfaction of such justice or justices, for his appearance before the said justice or justices on the day appointed, not exceeding seven days from the taking such security: And if, upon such return, no sufficient distress can be had, the said justice or justices shall commit the offender to the common gaol or house of correction for three calendar months, unless the forfeiture shall be sooner paid; or until such offender give notice to the informer, that he intends to appeal to the next sessions,

and

and shall enter into a recognizance before a justice, with two sufficient sureties, to try such appeal at such sessions.

If the offender dwells in another county, the justice or justices, before whom the information or indictment was made, may direct their warrant of apprehension and of distress to any constable where the offence was committed, to be by him carried to a justice residing near where the offender dwells, to be signed by him on the back of the said warrant, upon proof on oath of the hand-writing of the justice who first granted the warrant. And the justice who indorsed the warrant shall direct the constable or other person making the distress, to deliver over the money levied to the justice who first granted the warrant; and if such constable or other person shall neglect or refuse to pay such sum, or deliver over all proceedings upon such distress or warrant of apprehension, the justice who first granted the warrant, or the justice who indorsed it, may commit him to the common gaol or house of correction for six months, or till the money shall be paid, and the proceedings delivered over.

Every person who shall shoot at, kill or destroy any hare, shall, on conviction before two justices, by confession, or oath of two witnesses, be committed to gaol for three months, unless he pay to the churchwardens, for the use of the poor, 20s. for every hare; or after one month after his commitment become bound by recognizance with two sureties before two justices in 20l. each, not to offend again in like manner. The recognizance to be returned to the next sessions.

When information shall be made of unlawful hunting in a warren by night, or with painted faces, to any of the king's counsel, or to a justice of the peace, of any person suspected, he may make a warrant to bring such person before himself or any other of the said counsel or justices; and if such person shall conceal the said hunting, or any of his accomplices, it shall be felony; but if he confesseth, it shall be but trespass finable at the sessions.

If any person shall at any time enter wrongfully into any warren or ground lawfully used or kept for the breeding or keeping of conies, whether it be inclosed or not, and there shall chase, take, or kill any conies; and shall be thereof convicted in one month after the offence, before one justice, by confession, or oath of one witness; he shall yield to the party grieved treble damages and costs, and be imprisoned three months, and after till he find sureties for his good behaviour.—No person shall kill or take in the night any conies upon the borders of warrens, on pain that the offender, on conviction in one month after the offence, before one justice, by confession, or oath of one witness, shall give to the party injured such damages and in such time as shall be appointed by

1 J. c. 27.

1 H. 7. c. 7.

22 & 23 C. 2.
c. 25.

by the justice, and over and above pay down presently to the overseers for the use of the poor such sum not exceeding 10s. as the justice shall appoint; which if he shall not do, the justice shall commit him to the house of correction for such time as he shall think fit, not exceeding one month.—If any person shall be found or apprehended setting or using any snares or other like engines, for taking of conies, and shall be thereof in like manner convicted, he shall give to the party grieved such damages, and in such time as the justice shall appoint, and pay down presently to the overseer for the use of the poor such sum not exceeding 10s. as the justice shall appoint; which if he shall not do, the justice shall commit him to the house of correction for any time not exceeding one month.

Of Hawks and Hawking.

11 H. 7. c. 17.

NO manner of person, of what condition or degree he be, shall take or cause to be taken, on his own ground or any other man's, the eggs of any falcon, goshawk, or laner, out of the nest; on pain (being convicted thereof before a justice of the peace) of imprisonment for a year and a day, and fine at the king's will; half to the king, and half to the owner of the ground where the eggs were taken.

23 El. c. 10.

If any manner of person shall hawk in another man's corn after it is eared, and before it is shocked; and be convicted at the assizes, sessions, or leet; he shall forfeit 40s. to the owner: And if not paid in ten days, he shall be imprisoned for a month.

Of Swans.

11 H. 7. c. 17.

NO person shall take, or cause to be taken, on his own ground or any other man's, the eggs of any swan, on pain (on conviction before the justices of the peace) of imprisonment for a year and a day, and fine at the king's will, half to the king, and half to the owner of the swans.

1 J. c. 27.

Every person who shall take the eggs of any swans out of the nest, or willingly spoil them in the nest; and shall be convicted thereof before two justices, by confession, or oath of two witnesses, shall be committed to gaol for three months, unless he pay to the churchwardens for the use of the poor, 20s. for every egg; or after one month of his commitment, become bound by recognizance with two sureties in 20l. each, before two justices, never to offend again in like manner; which recognizance shall be returned to the next sessions.

Of

Of Partridges and Pheasants.

EVERY person who shall shoot at, kill, or destroy, any pheasant or partridge; or shall take, kill, or destroy them with setting dogs or nets; or shall take their eggs out of the nest, or spoil them in the nest; shall, on conviction before two justices, by confession, or oath of two witnesses, be committed to gaol for three months, unless he pay upon conviction to the churchwardens for the use of the poor, 20s. for every pheasant, partridge, or egg; or after one month after his commitment, become bound by recognizance with two sureties, before two justices, in 20l. each, not to offend again in like manner. The recognizance to be returned to the next sessions. 17. c. 27.

Every person who shall sell, or buy to sell again, any partridge or pheasant (except they be reared and brought up in houses, or brought from beyond sea) shall, on conviction at the assizes or sessions, or before two justices out of sessions, forfeit for every partridge 10s. and for every pheasant 20s. half to him that will sue, and half to the poor. Id.

If any person, of what estate, degree, or condition soever, shall take, kill, or destroy any pheasants or partridges in the night time; and be thereof convicted at the assizes, sessions, or leet, he shall forfeit for every pheasant 20s. and for every partridge 10s. half to him that shall sue, and half to the lord of the manor, unless such lord shall licence or procure the said taking or killing; in which case the said half shall go to the poor, to be recovered by any one of the churchwardens; and if not paid in 10 days after conviction, he shall be imprisoned for one month: And moreover, besides such forfeiture and imprisonment, he shall give bond to some justice of the peace, with good sureties, not to offend again in like manner for the space of two years. Id.

If any person whatsoever shall take or kill any pheasant or partridge in the night time; he shall on conviction before one justice, on oath of one witness, forfeit 5l. half to the informer, and half to the poor, by distress; for want of distress, he shall be sent to the house of correction for three months for the first offence, and for every other offence four months. 9 An. c. 25.

If any person shall knowingly and wilfully kill, take, or destroy, or use any gun, dog, snare, net, or other engine, with intent to kill, take, or destroy, any pheasant or partridge in the night, that is, between the hours of seven at night and six in the morning from the 12th day of October to the 12th day of February, and between the hours of 13 G. 3. c. 36.

nine at night and four in the morning from the 12th day of February to the 12th day of October; or, in the day-time, on a Sunday or Christmas-day: he shall forfeit for the first offence not exceeding 20*l.* nor less than 10*l.*; for the second offence, not exceeding 30*l.* nor less than 20*l.*; for the third and every other subsequent offence 50*l.* To be levied and recovered as the like penalties for killing any hare in the night, or on a Sunday or Christmas-day, as is above set forth.

7 *J. c.* 11.

Every person whatsoever, who shall hawk at, destroy, or kill, any pheasant or partridge, with any kind of hawk, or dog, by colour of hawking, between the first of July and the last of August, shall, on conviction before two justices, by confession, or oath of two witnesses, in six months after the offence, be committed to gaol for one month, unless he pay upon conviction to the churchwardens or overseers for the use of the poor 40*s.* for every such hawking at any pheasant or partridge, and 20*s.* for every such pheasant or partridge, which he, his hawk, or dog, shall take or kill.

2 *G. 3. c.* 19.

No person shall, upon any pretence whatsoever, take, kill, carry, sell, buy, or have in his possession or use, any partridge between Feb. 12, and Sep. 1; or any pheasant between Feb. 1, and Oct. 1, yearly, on pain of forfeiting, on conviction by one witness, in any of the courts of record at Westminster, 5*l.* for every such fowl, with full costs. But this is not to extend to any pheasant taken in the season allowed by this act, and kept in any mew or breeding-place.

Of Pigeons. See Partridges.

2 *G. 3. c.* 29.

IF any person shall shoot at, with an intent to kill, or by any means kill or take, with a wilful intent to destroy, any house-dove or pigeon, and shall be thereof convicted, by confession or oath of one witness, before one justice where the offence was committed or the party apprehended, he shall forfeit 20*s.* to the prosecutor; and if not forthwith paid, such justice may commit him to the gaol or house of correction, not exceeding three calendar months, nor less than one, unless the forfeiture shall be sooner paid. Persons convicted on this act, shall not be convicted on any former act: and prosecutions on this act shall be commenced and carried on with effect within two months after the offence committed.

Of

Of Wild Ducks, Wild Geese, and other
Water-Fowl.

No person, between the last day of May, and the last day of August yearly, shall take, or cause to be taken, any wild ducks, mallards, widgeons, teals, or wild geese, with nets or other engines, on pain of a year's imprisonment, and a forfeiture of 4d. for every fowl so taken, half to the king, and half to him that will sue by action of debt: Also the justices of the peace may enquire of, hear and determine the same, as in cases of trespass. 25 H. 3. c. 11.

By a subsequent statute, if any person whatsoever, (between June 1, and Oct. 1, yearly, 10 G. 2. c. 32.) shall, by hays, tunnels, or other nets, drive and take any wild duck, teal, widgeon, or any other water fowl, in any place of resort for wild-fowl in the moulting season, and shall be convicted thereof before one justice, by the oath of one witness, he shall, for every such fowl, forfeit 5s. half to the informer, and half to the poor, by distress, or be committed to the house of correction for any time not exceeding one month, nor less than 14 days, to be whipt and kept to hard labour. And the nets shall be seized and destroyed in the presence of the justice. 10 G. 2. c. 32.

No person from March 31, to June 30, yearly, shall take or destroy the eggs of any mallard, teal, or other water fowl, on pain of a year's imprisonment, and of forfeiting for every egg one penny, half to the king, and half to him that will sue by action of debt; or, the justices of the peace may determine the same as in cases of trespass. 25 H. 3. c. 11.

Of Heath-Fowl, Grouse, and Bustards.

No person shall, upon any pretence whatsoever, wilfully take, kill, destroy, carry, sell, buy, or have in his possession or use, any heath-fowl, commonly called *Black Game*, between Dec. 10, and Aug. 20; nor any grouse, commonly called *Red Game*, between Dec. 10, and Aug. 12; nor any *Bustard*, between March 1, and Sept. 1, in any year; on pain of forfeiting for the first offence any sum not exceeding 20l. nor less than 10l.; and for the second and every subsequent offence not exceeding 30l. nor less than 20l.; half to the informer, and half to the poor; to be recovered in any of his Majesty's courts of record at Westminster, on prosecution within six calendar months after the offence committed. Or 13 G. 3. c. 55.

the same may be recovered before one justice, information on oath being made before him within three calendar months after the offence committed; which said justice may convict the offender by confession or oath of one witness; and on neglect or refusal to pay, shall levy the same by distress, together with all costs and charges attending the same. And such justice may order the offender to be detained in safe custody, until return may conveniently be had to the warrant of distress, unless the said offender shall give security, by recognizance or otherwise, to the satisfaction of such justice, for his appearance before him on the day appointed for the return of the warrant of distress, such day not exceeding five days from the time of taking such security. And if no sufficient distress can be had, such justice shall commit the offender to the common gaol or house of correction, there to be kept to hard labour for any time not exceeding six, nor less than three calendar months, unless the forfeiture, and all costs and charges attending the prosecution, be sooner paid; which conviction the justice shall cause to be written on parchment, and returned to the next sessions, there to be filed and kept amongst the records; and the clerk of the peace shall grant copies thereof, on payment of 1s. for each copy.—And if any person shall think himself aggrieved, he may appeal to any general quarter-sessions to be holden within four calendar months after the cause of complaint shall arise, giving 14 days notice in writing to the justice and to every other person against whom complaint shall be made; and in four days after such notice, entering into recognizance before a justice with one sufficient surety, conditioned to try the appeal at, and abide the order of, and pay such costs as shall be awarded by the justices at such sessions. And the justice having received notice of appeal, shall return all proceedings had before him, touching the matter of the said appeal, to the justices at such sessions. And the said justices, upon proof of the notice given, and of the entering into such recognizance, shall determine the appeal in a summary way, and award costs to either party. And none of the proceedings shall be quashed for want of form, nor be removed by certiorari or other process into any of the courts at Westminster.

9 An. c. 25.

If any person whatsoever shall take or kill any moor, heath-game, or grouse, in the night time, he shall on conviction before one justice, on the oath of one witness, forfeit 5l. half to the informer, and half to the poor, by distress; for want of distress, to be sent to the house of correction for three months for the first offence, and for every other offence four months.

Of

Of Herons. See Partridges, &c.

No person, without his own ground, shall slay, take, or cause to be taken, any herons, unless it be with hawking, on pain of 6s. 8d. to him who shall sue by action of debt; or the sessions may call before them persons suspected, and examine them; and if found in default, may commit them till they have found surety for payment of the forfeiture to the king; and the justices shall have the tenth part of the forfeiture for their labour. 19 H. 7. c. 11.

If any person from March 31, to June 30, shall take or destroy the eggs of any heron, he shall be imprisoned for a year, and forfeit for every egg 8d. half to the king, and half to him that will sue by action of debt, or before the justices of the peace. 25 H. 8. c. 11.

The penalty of fishing in Ponds and other private Fisheries.

WHEREAS divers idle, disorderly, and mean persons, betake themselves to the stealing, taking, and killing of fish, out of ponds, pools, motes, stews, and other several waters and rivers, to the great damage of the owners thereof; it is enacted, that if any person shall use any net, angle, hair, noose, troll, or spear; or shall lay any wears, pots, fish-hooks, or other engines; or shall take any fish by any means or device whatsoever, or be aiding thereunto, in any river, stew, pond, mote, or other water, without the consent of the lord or owner of the water; and be thereof convicted by confession, or oath of one witness, before one justice, in one month after the offence, every such offender in stealing, taking or killing fish, shall, for every such offence, give to the party injured such recompence, and in such time, as the justice shall appoint, not exceeding treble damages; and moreover shall pay down to the overseers for the use of the poor, such sum, not exceeding 10s. as the justice shall think meet: In default of payment, to be levied by distress; for want of distress, to be committed to the house of correction not exceeding one month, unless he enter into bond with one surety to the party injured, not exceeding 10l. never to offend in like manner.—And the justices may take, cut, and destroy, all such angles, spears, hairs, nooses, trolls, wears, pots, fish-hooks, nets, or other engines, wherewith such offender shall be apprehended.—Persons aggrieved may appeal to

5 G. 3. c. 14.

to the next sessions, whose determination shall be final, if no title to any land, royalty, or fishery be therein concerned.

If any person shall enter into any park or paddock fenced in, and inclosed, or into any garden, orchard, or yard, adjoining or belonging to any dwelling-house, in or through which park or paddock, garden, orchard, or yard any river or stream of water shall run or be, or wherein shall be any river, stream, pond, pool, moat, stew, or other water, and by any ways, means, or device whatsoever, shall steal, take, kill, or destroy, any fish bred, kept, or preserved therein, without the consent of the owner thereof; or shall be aiding or assisting therein; or shall receive or buy any such fish, knowing the same to be so stolen or taken as aforesaid; and shall be convicted thereof at the assizes, within six calendar months after the offence committed, he shall be transported for seven years. And any offender, surrendering himself to a justice, or being apprehended or in custody for such offence, or on any other account, who shall make confession thereof, and a true discovery on oath of his accomplice or accomplices, so as such accomplice may be apprehended, and shall on trial give evidence so as to convict such accomplice, shall be discharged of the offence so by him confessed.—And if any person shall take, kill, or destroy, or attempt to take, kill, or destroy, any fish in any river or stream, pond, pool, or other water (not being in any park or paddock, or in any garden, orchard, or yard, adjoining or belonging to any dwelling-house, but in any other inclosed ground being private property) he shall, on conviction before one justice, on the oath of one witness, forfeit 5*l.* to the owner or owners of the fishery of such river or stream of water, or of such pond, pool, moat, or other water: And such justice, on complaint upon oath, may issue his warrant to bring the person complained of before him; and if he shall be convicted before such justice, or any other justice of the county or place, he shall immediately after conviction pay the said penalty of 5*l.* to such justice, for the use of such person as the same is hereby appointed to be paid unto; and in default thereof, shall be committed by such justice to the house of correction for any time not exceeding six months, unless the forfeiture shall be sooner paid: Or such owner of the fishery may bring an action for the penalty (within six calendar months after the offence) in any of the courts of record at Westminster.

Rules concerning the Assize, and preserving the Breed of Fish. See Burn, vol. 2, p. 391.

17 R. 2. c. 9.

THE justices of the peace (and the mayor of London on the Thames and Medway) shall survey and search all the weirs

wears in such rivers, that they shall not be very strait for the destruction of fry and brood, but of reasonable wideness after the old assize used or accustomed; and they shall appoint under-conservators, who shall be sworn to make like survey, search and punishment. And they shall enquire in session, as well by their office, as at the information of the under-conservators, of all defaults aforesaid, and shall cause them which shall be thereof indicted, to come before them; and if they be thereof convicted, they shall have imprisonment, and make fine at the discretion of the justices; and if the same be at the information of an under-conservator, he shall have half the fine.

No person shall take, or knowingly have in his possession, either in the water or on shore, or sell or expose to sale any spawn, fry, or brood of fish, or any unsizeable fish, or fish out of season, or any smelt not five inches long: and any person may seize the same together with the baskets and package, and charge a constable or other peace officer with the offender and with the goods, who shall carry them before a justice; and on conviction before such justice, the same shall be forfeited and delivered to the prosecutor; and the offender shall besides forfeit 20s. to be levied by distress by warrant of such justice, and distributed half to the prosecutor and half to the poor of the parish where the offence was committed (and any inhabitant of such parish, nevertheless, may be a witness); for want of sufficient distress, the offender shall be committed to the house of correction to be kept to hard labour for any time not exceeding three months, unless the forfeiture be sooner paid.—Provided, that the justice may mitigate the said penalty, so as not to remit above one half. Persons aggrieved may appeal to the next sessions. [Form of conviction, see Article Fish, at the end.]

33 G. 2. c. 27.

Rules concerning fishing in or near the sea.

No person shall take, kill, or destroy, any lobsters on the coast of Scotland, from June 1, to September 1, on pain of 5l. to be recovered by any person who shall inform and sue for the same, on a summary complaint before two justices of the shire on the coast where the offence shall be committed.

9 G. 2. c. 33.

Every person who shall set up any new wear along the sea shore, or in any haven, harbour, or creek, or within five miles of the mouth of any haven or creek; shall on conviction before one justice, or mayor, forfeit for every offence 10l. half to the king, and half to him that shall sue; to be levied by the constables or churchwardens by distress.

37. c. 12.

If

1 G. 2. c. 18.

If any person shall use at sea, on the English coast, any trawl-net, drag-net, or set-net, for catching of any fish (except herrings, pilchards, sprats or lavidnian) which hath the mesh less than $3\frac{1}{2}$ inches from knot to knot; or which hath a false or double bottom; or shall put one net behind another; he shall, on conviction (after summons) before one justice where the offender resides or shall be found, on oath of two witnesses, in one month after the offence, forfeit the same, and also 20l. half to the informer, and half to the poor, by distress; for want of sufficient distress, to be committed to gaol for twelve months; and the nets to be burnt.—Persons aggrieved may appeal to the next sessions.

Gaming.

33 H. 8. c. 9.

ALL justices of the peace, mayors, sheriffs, and other head officers, may enter all houses and places, where gaming shall be suspected to be holden; and as well the keepers of the same, as also the persons there resorting and playing, may take, arrest, and imprison, and keep in prison, until the said keepers have found sureties to the king's use, to be bound by recognizance or otherwise, no longer to use, keep, or occupy any such house, play, game, alley, or place; and also that the persons there so found, be in like case bound by themselves, or with sureties, no more to play, haunt, or exercise from thenceforth, in, at, or to any of the said places, or at any of the said games.—All justices of the peace, mayors, bailiffs, sheriffs, and other head officers and every of them, finding or knowing any person using unlawful games, contrary to this act, may commit every such offender to ward, there to remain without bail or mainprize, till he be bound by obligation to the king's use, in such sum as by the discretion of the said justices, or other such officers shall be thought reasonable, that they shall not from thenceforth use such unlawful games.

2 G. 2. c. 28.

Where it shall be proved on the oath of two witnesses, before any justice of the peace, as well as where he shall find upon his own view, that any person hath used any unlawful game contrary to the said statute, the said justice shall have power to commit him to prison without bail, unless and until he shall enter into recognizance, with sureties, or without, at the discretion of the justices, that he shall not from thenceforth play at, or use such unlawful game.—And where any the forfeitures above-mentioned shall be found within the precincts of any leet, the lord shall have one half, and the other half shall be to him that shall sue in any of the king's courts;

courts; and elsewhere, they shall be half to the king, and half to him that will sue in like manner.

All suits to be pursued upon any statute for using any unlawful game, shall be sued and prosecuted, or otherwise heard and determined, in the general quarter-sessions or assizes of the county where the offence shall be committed, or in the leet within which it shall happen, and not in any wise out of the county. 31 El. c. 5.

If any person licensed to sell any sorts of liquors, or who shall sell or suffer the same to be sold in his house, outhouse, ground or apartment thereto belonging, shall knowingly suffer any gaming with cards, dice, draughts, shuffle-boards, mississippi, or billiard-tables, skittles, nine pins, or with any other implement of gaming, in his house, outhouse, ground, or apartment thereto belonging, by any journeyman, labourer, servant, or apprentice, and shall be convicted thereof on confession, or oath of one witness, before one justice, within six days after the offence committed, he shall forfeit for the first offence 40s. and for every other offence 10l. by distress by warrant of such justice; three fourths of which shall be to the churchwardens for the use of the poor, and one fourth to the informer.—And if any journeyman, labourer, apprentice, or servant, shall game in any house, outhouse, ground, or apartment thereto belonging, wherein any liquors shall be sold, and complaint thereof shall be made on oath before one justice where the offence shall be committed, he shall issue his warrant to the constable or other peace officer of the place wherein the offence is charged to have been committed, or where the offender shall reside, to apprehend and carry the offender before some justice of the place where the offence shall be committed, or where the offender shall reside; and if such person shall be convicted thereof by the oath of one witness or confession, he shall forfeit not exceeding 20s. nor less than 5s. as the justice shall order, every time he shall so offend and be convicted as aforesaid, one fourth to the informer, and three fourths to the overseers for the use of the poor; and if he shall not forthwith pay down the same, such justice shall commit him to the house of correction or some other prison of the place where he shall be apprehended, to be kept to hard labour for any time not exceeding one month, or until he shall pay the forfeiture.—And any justice, unto whom complaint upon oath shall be made, of any offence committed against this act, shall issue his warrant for bringing before him, or some other justice of such place, the person charged with such offence; and the justice before whom he is brought shall hear and determine the matter, and proceed to judgment and conviction; and if it shall appear upon oath to the satisfaction of such justice, that any person within his jurisdiction can give material evidence on behalf of the pro-

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secutor

secutor or of the person accused, and who will not voluntarily appear, he shall issue his summons to convene him to give his evidence; and if he shall neglect or refuse to appear on such summons, and no just excuse shall be offered, then (on proof upon oath of the summons having been duly served upon him) he shall issue his warrant to bring such witness before him; and on his appearance, if he shall refuse to be examined on oath, without offering just cause for such refusal, the justice shall commit him to the public prison for any time not exceeding three months—[Form of conviction, see Burn, vol. ii. page 324.]

And if any person convicted of any offence punishable by this act, shall think himself aggrieved by the judgment of the justice before whom he shall have been convicted, he may appeal to the next sessions; and execution shall be respited, the person at the time of conviction, entering into recognizance with two sureties, in double the sum he was to pay, to abide the judgment of the quarter sessions, which recognizance the justice is hereby empowered and required to take.

25 G. 2. c. 36.

Any house, room, garden, or other place kept for public dancing, music, or other entertainment of the like kind, in London, or within 20 miles thereof, without licence as hereafter following (except the theatres of Drury-lane, Covent-Garden, the Hay-market, and other entertainments exercised by letters patent or licence of the crown, or of the lord chamberlain) shall be deemed a disorderly house or place, and the keeper thereof shall forfeit 100l. with full costs, to him who shall sue (in six months) in any of the courts at Westminster. And the person who shall appear to act as master, or as having the management of such disorderly house, shall be deemed a keeper thereof.

II.

Which said licence shall be granted at the last preceding Michaelmas sessions, and shall be signed and sealed by four justices in open court, and afterwards be publickly read by the clerk of the peace, with the names of the justices subscribing the same; and no licence shall be granted at any adjourned sessions; nor shall any fee be taken for the same. And there shall be inserted in such licence, and made conditions thereof, that the words following shall be affixed in large capital letters over the door or entrance of every such licensed house or place, viz. *licensed pursuant to act of parliament of the twenty-fifth of king George the second*; and that it shall not be opened before five in the afternoon. And in case of a breach of either of the said conditions, the licence shall be forfeited, and revoked by the justices at the next sessions, and shall not be renewed.

And to encourage prosecutions against persons keeping bawdy-houses, gaming-houses, or other disorderly houses, the constable, on notice given him in writing by any two inhabitants

habitants of the parish paying scot and lot, of any person keeping such house, shall forthwith go with them to a justice of the peace; and shall (on their making oath that they believe the contents of such notice to be true, and entering into a recognizance of 20l. each to produce evidence of the offence) enter into a recognizance of 30l. to prosecute with effect such person at the next sessions or assizes, as to the justices shall seem meet; and on the constable entering into such recognizance, the justice shall issue his warrant for bringing the accused persons before him, and shall bind them over to appear at the said sessions or assizes, and shall also, if he thinks fit, demand and take surety for their good behaviour in the mean time.

And if the constable shall neglect or refuse, upon such notice, to go before a justice, or to enter into recognizance, or shall be wilfully negligent in carrying on the prosecution, he shall forfeit 20l. to each of the said inhabitants.

And the constable shall be allowed all the reasonable expences of the prosecution, to be ascertained by two justices; and shall be paid the same by the overseers of the poor: and if such person be convicted, the overseers shall also forthwith pay 10l. to each of such inhabitants, on pain of forfeiting double to the said persons.

Any two justices may cause to come, or to be brought before them, every person whom they shall have just cause to suspect to have no visible estate, profession, or calling to maintain themselves by, but for the most part to support themselves by gaming; and if such person shall not make it appear to the said justices, that the principal part of his expences is not maintained by gaming, they shall require of him sufficient sureties for his good behaviour for twelve months, and in default of his finding such securities, shall commit him to the common gaol, until he find such securities as afore said. — And if he shall, during the time for which he shall be bound, at any one time or sitting, play or bet for any sums or other thing exceeding in the whole the value of 20s. such playing shall be deemed a forfeiture of the recognizance, 9 An. c. 14.

Lotteries.

ALL justices of the peace, mayors, constables, and other civil officers shall use their utmost endeavours to prevent the drawing of any unlawful lottery, by all lawful ways and means; and every person who shall set up, or by writing or printing publish the setting up any unlawful lottery, with intent to have such lottery drawn, shall forfeit 100l. one third to the king, one third to the poor, and one third with full costs to him who shall sue in the courts at Westminster. 9 An. c. 6.

8 G. c. 2.

Every person who shall keep any office or place, under the denomination of sales of houses, lands, &c. or shall sell or expose to sale the same or any of them, by way of lottery, or by lots, tickets, &c. or shall make, print, advertise, or publish proposals or schemes for advancing small sums of money by several persons, amounting in the whole to large sums, to be divided among them by the chances of the prizes in some public lottery; or shall deliver out tickets; or shall make, print or publish, any proposal or scheme of the like nature, under any denomination whatsoever,—and shall be thereof convicted, on oath of one witness, by two justices where the offence shall be committed, or the offender shall be found, he shall, over and above any penalties by any former act made against private lotteries, forfeit 500*l.* one third to the king, one third to the informer, and one third to the poor, to be levied by distress and sale by warrant of such justices, and shall also by such justices be committed to the county gaol without bail for one whole year, and from thence till the said sum of 500*l.* shall be paid: provided that the persons aggrieved may appeal to the next quarter-sessions. And every person who shall be adventurer in, or any way contribute on the account of, any such sales, lotteries, proposals, or schemes, shall forfeit double the sum contributed, with costs, half to the king, and half to him that shall sue in the courts at Westminster.

12 G. 2. c. 23.

If any person shall erect, set up, continue, or keep, any such office or place, or shall expose to sale any houses, lands, advowsons, presentations to livings, plate, jewels, ships, or other goods, by any game, method, or device whatsoever, depending upon, or to be determined by any lot or drawing, whether it be out of a box or wheel, or by cards or dice, or by any machine, engine, or device of chance of any kind whatsoever, he shall, on conviction before any justice of the peace, (or mayor) on the oath of one witness, or view of such justice, or confession, forfeit 200*l.* by distress and sale, by warrant of one justice of the county or town where the offence shall be committed; which said forfeiture (after deducting reasonable charges of the prosecution) shall go one third to the informer, and two thirds to the poor of the parish (except in Bath, where the said two thirds shall go to the poor of the hospital there).—And if the offender shall not have sufficient goods, whereon to levy the penalties, or shall not immediately pay or give security for the same, the justice before whom he shall be convicted, may commit him to the common gaol, not exceeding six months, and the sale shall be void.

13 G. 2. c. 34.

And if any witness shall neglect or refuse to appear, upon summons, or shall refuse to give evidence, or give false evidence, he shall forfeit 50*l.* by distress, by warrant of the person issuing such summons: and if he have not sufficient goods

or

whereon to levy the 50*l*. he shall be committed to the common gaol for six months.

But if any person think himself aggrieved by the judgment of any justice or mayor, he may appeal to the next sessions, giving reasonable notice to the prosecutor.—And if any justice or mayor, shall neglect his duty herein, he shall forfeit 10*l*. with full costs, half to him that shall sue (in six months) in any court of record, or at the assizes, and half to the poor. 12 G. 2. c. 28.

If any person shall, by colour of any grant from any foreign prince or state, set up any lottery, or shall make, print, or publish any proposal for any such lottery or undertaking, and shall be convicted thereof, on oath of one witness, before two justices where the offence shall be committed, or the offender shall be found, he shall, over and above any penalties by former acts against unlawful lotteries, forfeit 200*l*. one third to the king, one third to the informer, and one third to the poor, to be levied by distress by warrant of such justices; and shall also by them be committed to the county gaol for one year, and from thence till the said sum of 200*l*. be paid: provided, that persons aggrieved may appeal to the next quarter-sessions. 9 G. c. 19.

No person shall keep any office for buying, or selling, or otherwise dealing in any tickets in the lottery, without first taking out a licence for that purpose, but previously to the delivery of it, there shall be paid the sum of fifty pounds for every such licence, at the stamp-office.—No licence to be granted for any office in Oxford or Cambridge.—Persons keeping any office contrary to this act, shall forfeit one hundred pounds.—The words, *Licensed to deal in lottery tickets*, to be written upon the door in the front of the office.—The contract on every sale of a smaller share than a sixteenth shall be void in law, and the seller shall forfeit fifty pounds.—All penalties incurred by offending against this act (except where a different mode of prosecution is herein before specially prescribed) shall be recoverable before any two or more of his Majesty's justices of the peace for the county, &c. in which the offence shall be committed, by the oath or oaths of one or more credible witness or witnesses, or on confession of the offender; and one moiety shall belong to the informer, and the other to his Majesty, to be levied by distress, by warrant under the hands and seals of such justices; and for want of sufficient distress, the offender shall be sent by such justices to the house of correction, there to be kept to hard labour for any time not exceeding six months, nor less than three months, as such justices shall think proper, unless such penalty shall be sooner paid or satisfied.—Justices may mitigate penalties to one half, over and above the costs and charges. 23 G. 3. c. 47.

Gaol

Gaol and Gaoler.

Building and Repairing of Gaols.

12 G. 2. c. 29.

THE justices, or the greater number of them, within the limits of their commission, upon presentment of the grand jury at the assizes (or sessions, 12 G. 2. c. 29.) of the insufficiency or inconvenience of the county gaol, may contract with any person for the building, finishing, or repairing the same.

11.

The expence thereof to be paid by the treasurer, out of the next general county rate.

Gaoler shall receive Criminals.

5 H. 4. c. 10.

ALL felons shall be imprisoned in the common gaol, and not elsewhere.

4 Ed. 3. c. 10.

And if the gaoler refuses to receive a felon, or take any thing for receiving him, he shall be punished for the same by the justices of gaol-delivery.

6 G. c. 19.

But vagrants and other criminals, offenders, and persons charged with small offences, may for such offences, or for want of sureties, be committed either to the common gaol, or house of correction, as the justices in their judgment shall think proper.

How they shall be maintained.

12 G. 2. c. 29.

THEY are to be provided for by a sum to be paid out of the general county-rate, by the high constables, to such sufficient persons dwelling nigh the gaols, as shall be appointed by the justices in open sessions, who shall be there ready to receive it.

How

How Prisoners may be set on Work.

THE justices in their general sessions, if they find it need-
ful, may provide a stock of such materials as they find con-
venient for the setting poor prisoners on work, to be paid for
by the treasurer out of the general county-rate; and may pay
and provide fit persons to oversee and set such prisoners on
work; and make such orders for accounts concerning the
premises, as shall be thought needful, and for punishment of
neglect and other abuses, and for bestowing the profits arising
by the labour of the prisoners for their relief. Provided that
the sum to be so paid do not exceed the rate of 6d. a week
for any one parish.

19 C. 2. c. 4.
12 G. 2. c. 29.

How they shall be restrained and kept.

THE county gaol is the prison for malefactors; but pri-
soners for debt, where escape lies against the sheriff for their
escaping, may be kept in what place the sheriff pleases.

L. Raym. 136.

But on emergent occasions, as in case of infectious diseases,
the sheriff or goaler, with the advice and consent of three or
more justices (1 Q.) may, if they shall find it needful; pro-
vide other safe places (with the owner's consent) for the re-
moval of sick or other persons out of the usual gaols.

19 C. 2. c. 4.

The goaler shall not put, keep, or lodge prisoners for debt
and felons together in one room or chamber; but they shall
be put, kept, and lodged separate and apart from one ano-
ther in distinct rooms; on pain of forfeiting his office, and
treble damages to the party grieved.

22 & 23 C. 2.
c. 20.

The justices, in their several quarter-sessions, shall order
the walls and cielings of the several wards, both of the debtors
and felons, and also of any other rooms used by the prisoners
in their respective gaols where felons are usually confined, to
be scraped and white-washed once in the year at least; and to
be regularly washed and kept clean, and constantly supplied
with fresh air by hand-ventilators or otherwise; and shall or-
der two rooms in each gaol, one for the men, and the other
for the women, to be set apart for the sick prisoners, direct-
ing them to be removed into such rooms, as soon as they shall
be seized with any disorder, and kept separate from those
who shall be in health; and shall order a warm and cold
bath, or commodious bathing tubs, to be provided in each
gaol, and direct the prisoners to be washed in such warm or
cold baths or bathing tubs, according to the condition in
which they shall be at the time, before they are suffered to
go out of the gaol upon any occasion whatsoever. And they

14 G. 3. c. 59.

shall

Gaol and Gaolers.

shall order this act to be printed in large and legible characters upon a board, and hung up in some conspicuous part of the gaol. And they shall also appoint an experienced surgeon or apothecary, at a stated salary, to attend the gaol, who shall report to the justices, at each quarter-sessions, a state of the health of the prisoners under his care.—And they shall have power, in their said quarter-sessions, to order cloaths to be provided for the prisoners, when they see occasion; and to prevent the prisoners from being kept under ground, whenever they can do it conveniently; and to make such other orders, from time to time, for restoring or preserving the health of prisoners, as they shall think necessary; and also to direct the several courts of justice within their respective jurisdictions to be properly ventilated.—And if the gaoler shall neglect or disobey the orders of the justices, he may be proceeded against in a summary way, by complaint to the judges of assize, or to the justices in their quarter-sessions.

Gaols.

24 G. 3. sess. 2.
c. 54.

JUSTICES in sessions, upon presentment by the grand jury, are enabled to build and repair gaols in their respective counties.

Id.

The justices are to give notice, three times at least, in some public paper, of such presentment having been made, and of their intention to take the same into their consideration, at the next, or some other general quarter-session; and after such consideration, they shall give notice of their intention to contract with persons for repairing, rebuilding, or enlarging such gaol. Such contracts to be entered in a book, to be kept by the clerk of the peace, liable to be inspected by the justices, or any person contributing to the rates of the county, &c. without fee or reward.

Id.

If the presentment sets forth that the place wherein the old gaol is situate is improper, the said justices may build a new gaol in any part of the county, &c. provided three-fourths in number of the justices assembled at two successive quarter-sessions, after due notice as aforesaid, shall approve of such removal, but not otherwise.

Id.

The justices in their choice of the ground, and in determining their plans, shall pursue such measures as shall provide separate and distinct places of confinement, and dry and airy cells, for prisoners of the following descriptions by day and night, viz. Prisoners convicted of felony; prisoners committed on charge or suspicion of felony; prisoners committed for or adjudged to be guilty of misdemeanors; and debtors: the

males

males of each class to be separated from the females: and a separate place of confinement for such prisoners as are to be examined as witnesses on behalf of any prosecution of an indictment for felony: separate infirmaries, or sick wards, for men and women; and also a chapel; and convenient warm and cold baths, or bathing tubs, as directed by 14 G. 3. c. 59.; and care shall be taken that the prisoners shall not be kept under ground.

The justices may purchase lands, houses, &c. for building, enlarging, and accommodating such gaols. *24 G. 3. sess. 2. c. 54.*

The sheriff may remove the prisoners to such house or houses of correction belonging to such county, &c. as the justices so assembled, with the consent of the said sheriff, shall approve of; and shall confine them there, while the new gaol is building, or the old gaol is repairing or enlarging: the expence of such removal to be paid by the county, city, division, &c. *Id.*

The justices at their general quarter-sessions may nominate and appoint one or more justice or justices to visit and superintend the gaols, and make report of the state thereof to the court of the said general quarter-sessions; which court on such report may order and direct any sum or sums of money not exceeding 200l. in any one year to be laid out in repairing such gaols; tho' such warrant of repair shall not have been presented by the grand jury: and any one or more justice or justices may order accidental damages to be repaired immediately, so far as may be necessary and sufficient for the safe custody of the prisoners; and such justice or justices shall report the same to the next court of general quarter-sessions; which court is hereby authorized to order the payment of such monies as have been necessarily expended on such repairs. *Id.*

Expences of rebuilding or repairing county gaols are to be defrayed by the county rates: but when the estimate shall exceed one half of the amount of the annual county rate, taken on a mean proportion for the last five years, the justices in their quarter-sessions may borrow on mortgage of the rates such sums not less than 50l. nor more than 100l. each, at legal or lower interest, as to the major part of them (not being less than five) shall appear necessary and expedient: such agreements, signed by the chairman and two or more justices present at making the order, to be an effectual security. *Id.*

All persons, to whom such securities shall be made, may transfer them to any others. The justices may charge the county rates not only with the interest of the sums so borrowed, but also with the payment of a further sum, equal at least to such interest; which last shall be applied to the discharge of so many of the principal sums, as it will extend to discharge

discharge in each year; till the whole, both principal and interest shall be fully paid and discharged.

24 G. 3. sess. 2.
c. 54.

All receipts and payments are to be entered in a book, to be kept by a proper person, and inspected by the justices at every sessions; and if the person appointed to keep the account shall not have applied the money to the purposes hereby directed, he shall forfeit double the amount. The justices shall direct in what order the securities shall be discharged by lot or otherwise, discharging such first, which shall bear the highest interest. The whole money to be paid, within a limited time, not exceeding 14 years.

Id.

Bodies politic and guardians may sell and convey lands for the purpose of erecting new gaols, or enlarging the old ones: but if the purchase money of such lands shall exceed 100l. it shall be laid out in purchase of lands, &c. subject to the same uses, and till the purchases are made, it shall be laid out in government securities; whether it be more or less than 100l.

Id.

If the parties refuse to treat, the justices in sessions, or any two or more appointed for that purpose, shall enquire into the value of such houses, &c. and shall ascertain it by a jury of indifferent men, whose verdict shall be final.

Id.

The justices, or any two of them, may issue their warrant to the sheriff or bailiff, requiring him to impanel, summon, and return 24 qualified persons, out of whom they shall draw by ballot, and swear, or cause to be sworn, 12 men, who shall be the jury for the purpose aforesaid. And such justices may impose a fine of not more than 10l. nor less than 20s. on any sheriff or bailiff, &c. making default herein: expences of the jury to be borne by the building fund, if adjudged to be worth more, and by the *seller*, if less, than the justices had offered.

Id.

On payment of the money, or leaving it in the hands of such persons as the justices in session shall appoint, the justices, or any two of them, may take possession of the premises.

Id.

Where the county is divided into several ridings, the justices for the several divisions, in the next general quarter-session after the presentment of the gaol, may nominate three or more justices, who shall within one month (due notice having been given to the justices by the clerk of the peace of such divisions respectively) meet and assemble at such gaol. And the said justices, or the major part of them (such major part not being less than five) shall hold a special sessions at the said gaol, for receiving plans, contracts, &c. and the said last mentioned justices shall make their report to the general quarter-sessions of the peace of such ridings, of the several plans and estimates, and also of the expence necessary to be raised, on each riding as their quota of the expence to be incurred; which sums shall be raised after the manner of county rates.

No justice doing any thing in the execution of this act shall be capable of having any beneficial interest or concern whatsoever, in any contract or agreement, nor shall receive any benefit or emolument for any design or plan which he may deliver or produce. 24 G. 3. sess. 2. c. 54.

The justices at their sessions, or at some special adjournment held for that purpose, may appoint such salaries and allowances to gaolers as they shall think proper, in lieu of the advantages which might arise from the sale of liquors in the gaols: such salaries to be paid by the treasurer of the county, city, &c. when signed by the chairman of the sessions. But such certificate of salaries is not to be signed by the chairman, till they shall have been settled at a general quarter-sessions, or at some special adjournment thereof; of which sessions or adjournment, notice shall have been given at least 14 days before in the public papers by the clerk of the peace. Id.

No gaoler from June 24, 1785, shall suffer tippling or gaming in the prison, or shall sell, or suffer to be sold, any wine, beer, ale, or other liquors, or have any interest in the sale thereof, under the penalty of 10l. for every such offence; to be recovered by distress, on confession, or the oath of any witness or witnesses, which oath the justices are hereby empowered to administer. Id.

The penalty, after charges of recovering it are deducted, shall be paid, one moiety to the informer, and the other to the use of the prisoner; and on failure of distress, the offender to be committed to the house of correction for three months, or till the penalty and all reasonable charges shall be paid. Id.

Justices shall cause the conviction of any person offending against this act to be drawn up in this form: Id.

{ Be it remembered, that on the — day of — in the — year of the reign of his Majesty — A. B. is convicted before — of his Majesty's justices of the peace for the said — by virtue of an act of parliament made in the 24th year of the reign of his Majesty King George the third, entitled, An act to enable justices of peace to build and repair gaols in their respective counties, of [here set forth the offence, and the time when, and place where the same was committed]. Given under our hands and seals, the day and year aforesaid.

Form of mortgage, and charge upon the county rates for securing sums borrowed, is at the end of the act, and needs not to be inserted here.

Of Clergymen to officiate in Gaols.

- 13 G. 3. c. 52. THE justices in sessions may appoint clergymen to officiate in gaols according to the rites of the church of England, and allow to each a salary not exceeding 50l. a year; to be paid by the treasurer out of the county-rate.

How prisoners shall be delivered.

- 14 G. 3. c. 20. IF the prisoner is acquitted, or discharged upon proclamation for want of prosecution, or hath no bill found against him, he shall pay no fee to the gaoler for his discharge; but such fee as hath been usual, not exceeding 13s. 4d. shall, on certificate of the judge or justice before whom such prisoner hath been discharged, be paid out of the general county-rate.

Concerning Debtors.

- 31 E. 2. c. 28. NO sheriff, bailiff, or other officer, shall take more for one or more night's lodging, or for a day's diet, or other expences * of any person under arrest, than shall be allowed by order of sessions: which sessions shall make order therein, and vary the same from time to time as they shall see occasion; and shall cause a copy of every such order, and of every variation or alteration thereof, signed by the clerk of the peace, to be put up and kept in some conspicuous place in the sessions house or other proper place, that the same may be there seen and examined.—And every sheriff, and other person intrusted with the execution of process, shall deliver a printed copy of the several clauses in this act relating to bailiffs and other persons to be employed under them, to every such bailiff and other person; and shall also make it part of the condition of the bond to be given by such bailiff or other person, that he will shew and deliver a copy of the said clauses to every person he shall arrest and go with to any public or other house where any liquor shall be sold, and that he will permit every person so arrested, or any friend of his, to read over the same clauses before any liquor, meat, or victuals shall be called for or brought to such person: and if any bailiff shall offend in the premises; he shall, besides the breach of the condition of the bond, be deemed guilty of a misdemeanor in the execution of the process, and punishable as such by virtue of this act.—And the sheriffs and gaolers shall suffer any prisoner for debt, at

* N. B. It may not be amiss to insert in this place a determination of the court of King's Bench, Michaelmas term 1787; viz. that the sheriff is entitled, on the levying of executions, to nothing more than what is allowed by Eliz. 29, which entitles the sheriff to 1s. in the pound on all executions, where the sum levied amounts to 100l. or less, and to 6d. in the pound, for all above that sum.

his will and pleasure to send for or to have brought unto him at seasonable times in the day, any beer, ale, victuals, or other necessary food, from what place he shall think fit, or can have the same: and also to have and use such bedding, linen, and other necessaries, as he shall have occasion for and think fit, or shall be supplied with, without purloining or detaining the same, or requiring him to pay for the having or using thereof, or putting any manner of restraint or difficulty upon him in relation thereunto.

The two lords chief justices and lord chief baron, or two 31 G. 2. c. 23. of them, together with the mayor and two aldermen of London or with three aldermen without the mayor, in respect of the prisons within the said city; and the said lords chief justices and chief baron, or two of them, together with three justices of the peace of Middlesex and Surrey respectively, for the prisons within the said counties; and elsewhere, the justices in sessions,——shall establish tables of the rates and fees to be taken by gaolers within their respective jurisdiction, and vary the same from time to time as they shall see occasion. The same to be signed respectively by the said judges, mayor, aldermen, and justices within London, Middlesex, and Surrey; and elsewhere, to be signed by three or more justices in sessions, and afterwards reviewed and confirmed or moderated by the judges of assize (or justices of great sessions in Wales and Cheshire) at the next assizes to be held after making or varying the same as aforesaid; the same to be afterwards signed by the said judges of assize and three justices of the peace of such division or place respectively—And proper rules and orders, for the better government of the respective gaols and prisoners therein, shall be made, and altered from time to time as there shall be occasion, by the courts of Westminster hall for the several prisons belonging to the said courts; And by the said lords chief justices and chief baron or two of them, together with the mayor of London and two aldermen, or with three aldermen without the mayor, for the prisons within the said city: And by the said lords chief justices and chief baron or two of them, together with three justices of the peace, for the prisons within Middlesex and Surrey; and elsewhere, by three or more justices in sessions, for the prisons within their respective districts; the same to be afterwards reviewed, and altered if thought necessary, by the judges of assize at the next assizes after making or altering the same.

And duplicates of every such table of fees and of orders Id. which shall be made for the prisons belonging to the courts of Westminster-hall, shall be enrolled in such court: And for any other prisons, shall be transmitted to the clerk of the peace, to be enrolled by him, without fee; and every such clerk of the peace shall cause another copy thereof to be hung up in the court where the assizes or quarter-sessions shall be held,

held, there to remain and be inspected; and shall cause another copy thereof to be transmitted to the gaoler; and such gaoler shall forthwith cause the same to be hung up in some open place and in a conspicuous manner in his gaol; and to be there kept up, so as that the prisoners may have free resort thereto, at seasonable times in the day, without paying any thing for the same.—The courts at Westminster, justices of assize (and great sessions) justices of the peace, and commissioners for charitable uses, shall from time to time enquire concerning gifts and bequests to poor prisoners; they may send for papers and witnesses, and examine persons upon oath, and order and settle the payment thereof in such easy and expeditious way as they shall think proper.—And a table of such benefactions, after every such settling thereof, shall be transmitted to the clerk of the peace, to be registered by him without fee; and another table to the gaoler, to be hung and kept up by him in some conspicuous place in his gaol.

Concerning the Prisons of the King's-Bench and Marshalsea.

22 G. 2. c. 29

THE justices in Easter sessions shall set down what sums shall be sent out of every county or place corporate, for the relief of the poor prisoners of the king's bench and Marshalsea, so as there be sent out of every county yearly 20s. at the least to each of the said prisons; to be paid by the high constables out of the general county-rate, to two such treasurers or one of them, as by the most part of the justices of the county shall be elected to be treasurers.

Gauger. See Excise.

Gin. See Excise.

Glass.

23 G. 3. c. 38.

FOR the establishing a corporation for carrying on a glass manufactory, for the casting of large plate-glass (which act hath continuance for 21 years) many of the penalties and forfeitures are recoverable before one justice of the place where such manufacture shall be carried on: Which not being general, it is thought sufficient in this place to refer those whom it may concern to the act itself.

Gloves.

Gloves.

FROM and after the first day of August 1785, all persons 25 G. 3. c. 55.
uttering or vending in Great-Britain, any gloves or mit-
tens, shall annually take out a licence for that purpose, for
which there shall be charged a stamp-duty of 1s.

For every pair of gloves or mittens, sold by retail, *Id.*

For above 4d. and to 1rd. *Id.*

1rd. to 1s. 4d. *Id.*

1s. 4d. and more *Id.*

All the said duties shall be under the management of the *Id.*
commissioners of stamps, who, or the major part of them, are
to provide and use such stamps to denote the said duties, as
shall be requisite in that behalf.

No person whatsoever, required by this act to be licensed, *Id.*
shall sell any gloves or mittens without a licence, in Great-
Britain, upon pain of forfeiting for every offence, the sum of
20l. to be recovered and applied as herein-after is directed.

Any two or more of his Majesty's commissioners of stamps, *Id.*
shall grant licences to such persons who shall apply for the
same, to sell gloves or mittens, within Great-Britain, for the
space of one year, such licence to be renewed annually, ten
days at least before the expiration of that year for which he
or she shall be so licensed.

Every person vending gloves or mittens by retail, shall *Id.*
cause the words, *dealer in gloves*, to be painted or written in
large and legible characters, in some visible place in the front
of his or their house, shop, or warehouse, on penalty of 5l.
for every pair sold without such inscription.

If any person or persons shall cause the words *dealer in gloves*, *Id.*
to be affixed or put on the front of his, her, or their house,
shop, or warehouse, without being licensed as aforesaid, he,
she, or they so offending shall, for every offence, forfeit the
sum of 40l.

All persons who shall sell any less quantity than twelve dozen *Id.*
pair of gloves or mittens at one time, to any one person, shall
be deemed Retailers of gloves.

Every pair of gloves or mittens sold by any retail-dealer *Id.*
shall have affixed upon the inside of the right hand glove of
each pair, a stamped ticket, in such manner and form, as
the commissioners of his Majesty's stamp duties shall from time
to time direct.

If any retail dealer shall sell, or expose to sale, or if any *Id.*
person or persons shall purchase, or receive in exchange for
any other article, any gloves or mittens, subject to the stamp
duties hereby imposed, unless the stamp-ticket hereby directed
to

to be affixed to the same shall be affixed, or that shall have any ticket affixed thereto marked or stamped with a stamp or mark of less denomination or value than by this act is directed to be affixed; every such person and persons so offending shall forfeit and pay, for every such pair of gloves or mittens so sold, or exposed to sale, or so bought or received in exchange, the sum of 20*l*. and if the party so offending shall be a retail dealer, licensed pursuant to this act, the said commissioners of stamps shall and may, if they shall so think fit, after conviction of the offender, refuse to grant to such offender any licence in future.

25 G. 3. c. 55.

Nothing in this act contained shall extend to any person licensed in pursuance of this act, who shall sell to any retailer of gloves or mittens so licensed, any gloves or mittens, although the stamp ticket hereby directed to be affixed to the same shall not be affixed.

Id.

If any person or persons shall, with intent to defraud his Majesty of the duties hereby imposed, take off any mark or stamp, or shall, with the like intent, affix or paste on in any glove or mitten, any ticket, the same having been once made use of for the purpose aforesaid, and shall knowingly sell, or expose to sale, any pair of gloves or mittens with such ticket so fraudulently cut off, or removed, all and every person and persons so offending, shall forfeit the sum of 20*l*.

Id.

If any person shall sell or buy any such ticket, in order to be again made use of, every such person so offending shall, for every such offence, forfeit the sum of 20*l*.

Id.

Either buyer or seller informing against the other shall be indemnified from the penalties by him or her incurred.

Id.

Glovers, in their bills, may make a separate charge for the stamps.

Id.

If any person or persons shall counterfeit any stamp, or mark, directed to be used by this act, with an intent to defraud his Majesty, his heirs or successors, of any of the said duties; every person so offending, and being thereof convicted, shall be judged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

Id.

All powers and provisions, prescribed by any former act, relating to the stamp-duties, shall be of full force and effect with relation to the rates and duties hereby imposed.

Id.

All pecuniary penalties hereby imposed, shall be divided, (if sued for within the space of six calendar months) one moiety to his Majesty, and the other moiety thereof, with full costs of suit, to the informer.

Id.

But in default of such prosecution within the time aforesaid, the whole thereof shall belong to his Majesty, and shall be recoverable in any of his Majesty's courts at Westminster, &c. by action of debt, bill, plaint, or information.

Any

Any justice of the peace residing near the place where the offence shall be committed, may hear and determine any offence against this act, which subjects the offender to any pecuniary penalty, and may summon the party accused, and also the witnesses on either side, and examine into the matter of fact; and upon due proof made thereof, either by confession, or by the oath of one or more credible witness or witnesses, may give judgement, and issue out his warrant under his hand and seal, for the levying any pecuniary penalty or forfeiture so adjudged on the goods of the offender; and cause sale to be made thereof, in case they shall not be redeemed within six days, rendering to the party the overplus, if any; and in default of distress may commit such offender to prison, there to remain for the space of three months, unless such pecuniary penalty shall be sooner paid and satisfied: Any person or persons aggrieved by the judgment of any such justice, upon giving security to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded, in case such judgment shall be affirmed, may appeal to the justices of the peace at the next general quarter sessions; and in case the judgment of such justice shall be affirmed, it shall be lawful for such justices to award the person or persons to pay such costs, occasioned by such appeal, as to them shall seem meet.

If any person or persons shall be summoned as a witness or witnesses to give evidence before such justice or justices of the peace, touching any of the matters relative to this act, and shall neglect or refuse to appear, without a reasonable excuse, such person shall forfeit, for every such offence, the sum of 40s.; to be levied and paid in such manner, and by such means, as herein before directed, as to other penalties.

The justice, where he shall see cause, may mitigate and lessen such penalties as he shall think fit, so as such mitigation do not reduce the penalties to less than one moiety of the penalties incurred, over and above all costs and charges; and no such conviction shall be removed by certiorari, into any court whatsoever.

The several duties shall be paid into the receipt of the exchequer, at such time and in such manner as the duties now charged on stamped vellum, parchment, and paper, are directed to be paid.

Good Behaviour. See Surety.

Grand Larceny. See Larceny.

Greyhound. See Game.

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Gunpowder.

Gunpowder.

12 G. 3. c. 61.

EVERY person and persons, using any mill or other engine for making of gunpowder, shall, besides the magazines and storehouses near their mills, have a good and sufficient magazine remote from their respective mills, in some convenient place to be licensed by the justices, on pain that every person making gunpowder, without having such magazine remote from the mill, shall forfeit 25*l.* for every month, during which he shall make gunpowder, without having such magazine, and 5*l.* for every day during which he (not being hindered by stress of weather, or other just impediment) shall wilfully neglect or delay removing the gunpowder made at such mill.—It shall be lawful for the justices in sessions, from time to time, to license the erecting or having such mills and offices, or such magazines for keeping unlimited quantities of gunpowder in places, not being within London or Westminster, or any other limits particularly described, the person having first given 14 days notice in writing of the intention to make such application, to an overseer of the poor or churchwarden of the parish or place wherein it is proposed to erect such new mill and offices or magazine, or of an adjoining parish, if the place be extra-parochial; which overseer or churchwarden shall cause such notice to be publickly read on the Sunday next ensuing, in the parish church after divine service.—And, if the justices in the said sessions shall refuse to grant such licence, the party aggrieved may apply to the said justices then present for a special state of the case, in order that the said case and proceedings may be removed by certiorari into the court of king's-bench. And if the court of king's-bench shall be of opinion, that the justices ought not to have refused such licence, they shall order the justices to grant such licence at their next sessions, and shall award costs on the writ of certiorari as they shall think fit.

Id.

No person shall be liable to any penalty or prosecution under this act, for keeping unlimited quantities of gunpowder without such licence of the justices, in any magazine remote from any gunpowder-mill, and already built and used for that purpose, in any place not being within London or Westminster, or the other limits before described, until the expiration of six calendar months, after an adjudication by the justices that the same is dangerous: And they shall not have power to make such adjudication, except on complaint to them by some householder of the parish or place in which the

the magazine shall be, and after summons of the owner and examination of witnesses.—The justices in sessions, on application by makers of gunpowder, may appoint proper and convenient pieces of ground, not being in London or Westminster, or other the limits aforesaid, and not exceeding one acre in any one place, with the use of convenient roads thereto, on which they may erect magazines, after having agreed with the owner for the purchase of the same; And if such owner shall not agree, or by reason of any impediment cannot agree, the justices shall issue a warrant to the sheriff, to summon a jury to appear before them at a time and place appointed, who shall, upon their oaths, enquire into the true value of the said pieces of ground, with the use of such convenient roads thereto. And the justices may send for any persons interested, and examine any parties or witnesses upon oath. And the verdict of the jury shall be kept amongst the records of the sessions. And the judgment of the said justices thereon shall be final. And the sum of money so to be adjudged, not exceeding 30 years purchase, shall be paid to the owner of the ground; and upon such payment, or in case of refusal to accept the money, then upon leaving the same with the justices for the benefit of the owner, the inheritance of the ground, and the use of the said roads thereto, shall be vested in the purchaser, his heirs and assigns, for the purpose aforesaid, and not otherwise.

For the more easy discovery of offenders against this act, any justice, on demand made, and reasonable cause assigned upon oath, may issue his warrant for searching, in the day-time, any house, mill, magazine, &c. in which such gunpowder is suspected to be made, kept, or carried, contrary to this act: And all gunpowder found on such search, and also the barrels, shall be immediately seized by the searcher, till it shall be adjudged, on a hearing before two justices, whether the same shall be forfeited.—All penalties on this act shall be recovered before two justices, on conviction of the offender by confession or oath of one witness, and be distributed half to the king and half to the informer; and where the penalty is pecuniary, it shall be levied by distress, and for want of sufficient distress, the offender shall be committed to the house of correction, to be kept to hard labour, not exceeding six months, nor less than three.—Prosecution to be commenced within 14 days after seizure of the gunpowder, or commission of the offence where there shall not be any seizure.—This act shall not extend to any mills or other buildings erected for making gunpowder in any lands belonging to his majesty; or to the keeping of gunpowder at any of his majesty's storehouses or magazines; or to hinder the trial of gunpowder by his majesty's officers; or to the keeping of gunpowder at the magazines now erected at Barking Creekmouth in the county

12 G. 3. c. 61.

of Essex, Eryth Level in the county of Kent, or the magazines near Liverpool, or the city of Bristol; or to the carriage of gunpowder to or from the king's magazines, under a special order from the board of ordnance; or to the carriage of gunpowder with forces on their march, or with the militia during their annual exercise, or which shall be sent for the use of such forces or militia.—Also, this act shall not extend to hinder any person from carrying an unlimited quantity of gunpowder, in close decked vessels, &c. &c. from any vessels lying below Blackwall, or from such magazines lying below Blackwall and going to any place beyond sea or coastwise.

Guns. See Game,

Habeas Corpus. See Bail.

Hackney Coaches and Chairs.

For the Duty on Coaches, see p. 45.

9 An. c. 23.

IF any person shall refuse to pay, or shall deface any coach or chair, any justice may grant his warrant to bring him before him; and on proof upon oath may award satisfaction to the party, and on refusal to pay, may bind him over to the next sessions, who may determine the same.

12 G. 3. c. 44.

The breach of the bye-laws, and of these rules and orders, may be punished by any justice of the peace, mayor, bailiff, or other magistrate, where the offence shall be committed, in like manner as by the commissioners.—And all penalties levied by any justice, mayor, bailiff, or other magistrate, shall by them be transmitted to the receiver general of the duties on hackney coaches and chairs, and they shall also transmit a certificate thereof to the commissioners, within ten days after levying such penalty, on pain of 10*l.* half to the king, and half to him that shall sue.

Hackney Coaches,

24 G. 3. *sess.* 2.
c. 27.

BY this act, from Sept. 4, 1784, an additional duty of 5*s.* is to be paid for all licences to keep or drive any hackney coach within the cities of London and Westminster, or the suburbs, or weekly bills of mortality. The duty to be paid monthly

Hackney Coaches.

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monthly, and all the directions, provisos, &c. of former acts to be observed.

All licences in future to be granted under payment of 10s. weekly rent. 24 G. 3. sess. 2. c. 27.

By 26 G. 3. c. 72, the former rates cease, and the following from and after the 1st. of August, 1786, take place.

	s.	d.
For—not exceeding one mile and a quarter	1	0
For—not exceeding two miles	1	6
For—not exceeding two miles and a half	2	0
For every half mile, an additional	0	6
For—not exceeding three quarters of an hour of time	1	0
From three quarters to an hour	1	6
From one hour to not exceeding one hour and twenty minutes	2	0
For every period of twenty minutes from the first hour and twenty minutes	0	6
For a day of twelve hours	14	6

After twelve hours, to be paid for by the aforefaid rules.

Hackney coachmen, by this act, are punishable by summons either before commissioners or magistrates.

Persons driving a mourning coach or hearse without a number within five miles of Temple-Bar, may be summoned before the commissioners, and fined 5l. Id.

Every cart or dray, &c. within five miles of Temple-Bar, or in the bills of mortality, shall have the owner's name, and place of abode, entered at the hackney coach office, and affixed, together with the number of the carriage, on some conspicuous part thereof. Id.

The penalties and forfeitures are recoverable as by former laws, and the additional duty to be paid into his Majesty's Exchequer, and kept distinct from all other branches of the public revenues. Id.

Harbour filling up. See Rivers and Navigation.

Hares. See Game.

Hats.

BY this act, for granting duties on licences for vending hats by retail, from Oct. 1, 1784, all retailers of hats are to take out a licence annually, and the duties of 3d. 6d. 1s. and 2s. according to the price of the hat, shall be under the management of the commissioners of stamps. 24 G. 3. sess. 2. c. 51.

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24 G. 3. *sess.* 2.
c. 51.

The penalty for selling hats without a licence is 50*l.*

Every retailer of hats shall have the words, *dealer in hats by retail*, over the door of his house, on pain of 40*s.* for each hat fold.

Id. Any unlicensed person putting up those words, shall forfeit 50*l.*

Id. Stamped paper tickets are to be affixed to the lining of the crown of the hats.

Id. Any person selling a hat, liable to the duties, without a proper stamp, shall forfeit 10*l.*

Id. Any person fraudulently tearing off, or affixing a stamp already used, shall forfeit 20*l.*

Id. Any person counterfeiting the stamp, to defraud his majesty, shall suffer death as a felon.

Id. Penalties, sued for in six months, shall be divided, half to the king, and half, with full costs of suit, to those who shall inform and sue for the same.

Id. Any neighbouring justice may determine offences, where the penalties do not exceed 20*l.*

Id. Persons aggrieved by such determination may appeal to the next general quarter-sessions.

Id. Persons summoned as witnesses, but neglecting to appear, without a reasonable excuse, shall forfeit 40*s.*

Id. The justice may mitigate penalties to one moiety, over and above all costs and charges.

Hawkers and Pedlars.

9 & 10 W. c. 27.

THERE shall be paid by every hawker, pedlar, petty chapman, or any other trading person, going from town to town, or to other men's houses, and travelling either on foot, or with horse, horses, or otherwise, within the kingdom of England (except as herein-after excepted), carrying to sell, or exposing to sale, any goods, wares, or merchandizes, a duty of 4*l.* for each year.

3 & 4 An. c. 4.

And if any such person be found trading as aforesaid, without, or contrary to such licence; or if, on demand made by any justice of the peace, mayor, constable, or other peace officer of any town corporate or borough, where he shall so trade, he shall not have his licence ready to be produced; he shall forfeit 12*l.* half to the informer, and half to the poor of the parish wherein the offender shall be discovered; and for non-payment thereof, shall suffer as a common vagrant, and be committed to the house of correction.

And

And if any constable or other officer aforesaid, shall refuse or neglect, upon due notice, or on his own view, to be aiding in the execution hereof, being thereunto required, and be thereof convicted, on oath of one witness, before one justice where the offence shall be committed; he shall forfeit 40s. by distress and sale by warrant of such justice, half to the poor, and half to the prosecutor.—And any person may seize and detain any such hawker, pedlar, petty chapman, or other trading person, till he produce his licence, if he have any, or if he be found trading without a licence, for such reasonable time as he may give notice to the constable, churchwarden, overseer, or some other parish officer, who shall carry such person, so seized, before a justice; who shall, either on confession, or proof by witness upon oath, convict the offender, and by his warrant cause the sum of 12l. to be forthwith levied by distress and sale of the offender's goods, wares, or merchandizes. 9 & 10 W. c. 27.

From Aug. 1, 1785, every hawker and pedlar travelling on foot, or with horse, horses, or otherwise, in England or Wales, or the town of Berwick upon Tweed, an additional duty of 4l. for each year. 25 G. 3. c. 78.

Every hawker and pedlar travelling with a horse, ass, or mule, or other beast bearing or drawing burthen, the additional sum of 8l. yearly for each beast, over and above the first mentioned, and all other duties. c. 9.

Every hawker and pedlar selling goods, after June 24, 1786, by any mode of sale whereby the best bidder shall be deemed the purchaser, shall forfeit 50l. for every offence. Id.

The duties made payable by 9 and 10 W. c. 27, and all duties payable by this act, shall be paid on taking out the licence, without any discount, to the commissioners for licensing hawkers and pedlars, or some person or persons authorized by them, or the major part of them, in writing under their hands and seals. Id.

The licence must be subscribed by two such commissioners, or persons so deputed. Id.

The penalty for travelling without such licence is 10l. Id.

Every hawker and pedlar refusing to produce his licence to a justice of peace, or any person authorized to demand it by the commissioners aforesaid, forfeits 10l.—Travelling with a forged licence subjects the offender to a penalty of 10l.—And lending, or letting a licence to hire, to 10l. and the forfeiture of the licence. Id.

Any person whatever may detain any hawker, &c. trading without licence, or refusing to produce it in a reasonable time, in order to give notice to a peace officer to carry such person, so detained, before some of his majesty's justices of the peace, which said justice is hereby authorized and strictly required, on confession, or due proof by witness upon oath, (which he is hereby

hereby empowered to administer), to cause the sum of 10*l.* to be forthwith levied by distress, or sale of the goods, wares, or merchandize of the offender, rendering the overplus, if any be.

25 G. 3. c. 9.

Every constable refusing to assist in the execution of this act, forfeits 10*l.* for every offence.

Id.

Every hawker opening a room or shop, or exposing to sale any goods, &c. by retail, within two miles of a market town, to be measured to the middle of the most central market place, he not being a householder there, forfeits 10*l.* except it be on a market or fair day.

Id.

If any hawker, &c. shall vend his goods in any county, city, or town, by virtue of his licence, after the justices, at the general quarter sessions, have made an order to the contrary, he shall forfeit 10*l.*; such order to be made at the sessions next after Michaelmas, and not to be in force till nine months after notice given in the news-papers.

Id.

Hawkers, &c. who were licensed on June 23, 1785, may set up any business in the place where they are resident inhabitants, though they shall not have been brought up to such business as apprentices for 7 years; and they may employ persons who have not been apprentices, notwithstanding the act 5 Eliz.; nor shall they be removable to their last legal place of settlement, till they are actually chargeable.

Id.

No wholesale trader in British goods shall be deemed an hawker.

Id.

Persons not included in this act are, sellers of printed papers licensed by authority; of fish, fruit, and victuals; makers of any British goods, their children, agents, apprentices, or servants, selling their own manufactures in any market, fair, city, or town: tinkers, coopers, glaziers, plumbers, and harness-makers.

Id.

Penalties above 20*l.* to be recovered, with costs of suit, at Westminster; half to the king, and half to the informer.— All under 20*l.* before one justice, by the oath of one or more credible witness or witnesses; half to the king, and half to the informer; and, in case of non-payment, to be levied by distress and sale; and, for want of distress, the offender shall be sent to the county prison for not more than six months, nor less than one month, as the justice shall think fit.

Id.

Any witness neglecting to appear, without reasonable excuse, or refusing, on appearance, to be examined, forfeits 10*l.*

Hawks and Hawking. See Game.

Hedge-breaking. See Wood.

Hemp.

Hemp.

IT shall not be lawful for any person to water any hemp or flax, in any river, running water, stream, brook, or other common pond, where beasts use to be watered; on pain that every person offending shall forfeit 20s. half to the king, and half to the party grieved, or any other who shall sue in any court of record, lest, &c. 33 H. 8. c. 17.

Every grower of hemp or flax, who shall be entitled to the bounty of 3d. per stone for hemp, and 4d. for flax, shall sign and exhibit his claim to one of the justices of the peace for the county, mentioning, in such claim, of what crop the same is, and the farm or ground on which the hemp or flax grew; which claim shall be likewise attested by two of the parish officers; and which claim, so attested, the said justice is hereby required to countersign, and transmit to the justices for the county, riding, or place, at their next general quarter sessions. The justices, at their Michaelmas sessions, are to advertise the bounties granted by this act, with the conditions necessary to be complied with before the same can be received.—And, at their said Midsummer quarter sessions in each year, to make up a state of the claims which have been finally settled and allowed by them, and transmit the same to the commissioners for trade and plantations.—And the receivers of the land tax shall pay, on order of the quarter sessions, the sums appropriated for each county.—The justices shall transmit to the commissioners for trade, &c. a state of the claims made, and their proceedings thereupon.—This act was made to continue only five years from the first day of August, 1782, and from thence to the end of the then next session of parliament. 21 G. 3. c. 58.

Herring Fishery.

IF any person shall damnify or destroy, without consent of the society of the free British fishery, any of the nets, sails, cordage, stores, or other materials belonging to the said society, he shall, on conviction on the oath of two witnesses before one justice, forfeit to the society treble value, by distress; and for want of sufficient distress, shall be committed to the house of correction to hard labour, for any time not exceeding three months, or till satisfaction be made. Prosecution to be within six calendar months. 23 G. 2. c. 14.

Hides and Skins. See Leather.

High-Treason. See Treason.

Highways in general.

Of the special Sessions to be held for the Highways.

13 G. 3. c. 78.

THE justices shall hold a special sessions for the highways, in the week next after the Michaelmas general quarter-sessions yearly.—And any two justices, within their respective limits, may, whenever they shall judge proper, hold a special sessions, and adjourn the same as they shall think fit; causing notice to be given of the time and place of holding such special sessions, and of the adjournments thereof, to the several justices acting and residing within such limits, by the high constable or other proper officer.

Appointment of Surveyors.

Id.

THE justices shall hold such Michaelmas special sessions as aforesaid, at such convenient place, within their respective limits, as they in their discretion shall judge proper: and shall give notice of the time and place to the constables of the respective parishes, townships, or places, at least ten days before the holding of the said sessions.

Id.

On September 22, yearly, unless that day be Sunday, and then on the day following, the constables, churchwardens, surveyors of the highways, and householders assessed to any parochial or public rate, shall assemble at the church or chapel, or if there be no church or chapel, then at the usual place of public meetings, at the hour of eleven in the forenoon: and the major part of them, so assembled, shall make a list of the names of at least ten persons living within such district, each of whom hath an estate in lands, tenements, or hereditaments, lying within such district, in his own right, or in the right of his wife, of the value of 10l. by the year,—or a personal estate of the value of 100l.—or occupieth a tenement of the yearly value of 30l. And if there shall not be ten persons so qualified, they shall insert in such list the names of so many as are so qualified, together with the names of so many of the most sufficient and able inhabitants, not so qualified, as shall make up the number 10, if so many can be found; if not, so many as shall be there resident—to serve the office of surveyor of the highways.

Id.

And the constable shall, within three days after such meeting, transmit a duplicate of such list to one of the justices living near to such parish or place.—And shall also, within three days after making the said list, give personal notice to, or cause notice in writing to be left at the place of abode of, the several persons contained in such list, informing them of their being so named; to the intent that they may severally

severally appear before the justices at the said special sessions, to accept such office, if they shall be appointed thereto, or to shew cause, if they have any, against their being so appointed. And shall also return and deliver the original list to the justices, at their said special sessions, to be holden in the week next after the Michaelmas general quarter sessions.

And the justices then and there, from the said lists, according to their discretion, and the largeness of the parish, township, or place, shall, by warrant under their hands and seals, appoint one, two, or more of such persons as aforesaid, if he or they shall, in the opinion of such justices, be qualified for the office; if not, one, two, or more of the other substantial inhabitants, or occupiers of lands, tenements, woods, tithes, or other hereditaments, within such parish, township, or place, living within three miles thereof, and within the same county, fit and proper to serve the office, if any such can be found.—Which appointment shall, by the constable, be notified to every person so appointed, within three days after such appointment, by serving him with the said warrant, or by leaving the same, or a true copy thereof, at his house or usual place of abode.—And the said justices shall then and there give such of the said surveyors as shall personally appear before them, a charge, for the better performance of their duty.

If any of the persons so appointed, whose names were contained in the list, and who were served with the said notice, shall refuse or neglect to appear at the said special sessions and accept the said office, if appointed thereto in manner aforesaid; or shall not, within six days after being served with such warrant of appointment, signify his acceptance thereof, either in person or by writing, to one of the said justices; he shall forfeit 5*l*. And if any person so appointed, whose name was not contained in the list, shall refuse or neglect to accept the said office; or shall not, within six days after being served with the appointment, shew, to one of the justices signing such appointment, sufficient cause why he should not serve such office;—he shall forfeit 5*os*.

But if no such list shall be made and returned; or if the justices shall make an appointment, and the person appointed shall refuse to serve; the said justices, or any two of them, shall, at the said special sessions, or at some subsequent sessions to be holden within one month after, nominate and appoint some other person whom they shall judge proper, and appoint him a salary out of the said forfeitures and all other forfeitures, fines, penalties, assessments, and compositions, within such district, as they shall think fit, not exceeding one eighth part of what shall have been raised by an assessment of 6*d*. in the pound for the use of the highways in such district, where any such assessment hath been raised; and observing the same restriction as near as they can, from the best information they shall

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shall be able to get of the probable amount of such assessment, where none hath been already made: and the justices may, if they think fit, require the constables and surveyor, or any of them, to return to the said justices, at such time and place as they shall appoint, an account in writing of such sum which such assessment of 6d. in the pound hath raised; or will, in their opinion, raise within such parish or place.

13 G. 3. c. 78.

And if the constables, churchwardens, surveyors, and such householders as aforesaid, shall neglect or refuse to make such list; or if the constable shall not return such list when made, and such duplicate thereof as aforesaid; and give such notice or notices, and serve such warrant, as in this act is directed; or if such constable or surveyor shall neglect to return such account of the amount of such assessment as aforesaid, when required; they shall forfeit 40s.—Provided, that in cities, boroughs, and towns corporate, the justices shall not allow any salary, other than such as shall be agreed on by two parts out of three of the persons assembled in the respective parish, township, or place, within such city, borough, or town corporate.

Id.

And in all cases where the justices, upon neglect or refusal of the person so appointed surveyor to accept the said office, shall appoint any other with a salary; they shall appoint one substantial inhabitant of such parish, township, or place, for assistant to such surveyor, until the next annual appointment of surveyors: and if the person so appointed assistant shall, on notice of such appointment, refuse to accept the office; he shall forfeit 50s. And if any second appointed assistant shall refuse to accept that office, he shall, in like manner, forfeit 50s. And, in such case, they may appoint a third person, in like manner, to be assistant to such surveyor; who shall be intitled to these last mentioned forfeitures, and also to such further allowance, by way of salary, as the said justices shall think proper; to be paid as the surveyor's salary is hereby directed to be paid. Provided, that no person, so appointed assistant for one year, shall be liable to be appointed assistant again for the same parish, township, or place, within three years next following such appointment, without his consent.

Id.

And the surveyor of any parish, township, or place, who shall not reside therein, but shall be appointed with such salary as aforesaid, shall (if required) give bond, upon paper without stamp, (for which the justices' clerks shall have 6d. and no more) to account for the money that shall come to his hands as surveyor.

Id.

The justices shall, at every special sessions to be held in the week next after the Michaelmas quarter-sessions, cause to be delivered, a printed abstract of the most material parts of this act, to every surveyor to be then appointed by them, as the charge hereby directed to be given.—And the surveyors shall pay

pay to the justices' clerks, for the appointment and charge, the sum of one shilling.

If two parts out of three, of those so to be assembled for the nomination of surveyors, shall agree in the choice of any particular person of skill and experience to serve the office of surveyor; and in settling a certain salary for his trouble therein, and shall return the name of such person, together with the list, to the justices at their said sessions to be holden in the week next after the Michaelmas quarter-sessions; the said justices may, if they think proper, appoint such person to be surveyor for such parish, township, or place, and allow him the salary mentioned in such agreement; which shall be raised and paid in the same manner as the salary herein before mentioned is directed to be raised and paid. 13 G. 3. c. 78.

If a surveyor shall die, or become incapable of executing his office, before the next special sessions for appointing surveyors; two justices, at a special sessions, may appoint another whom they shall think proper, until the next special sessions for appointing surveyors as aforesaid. And if such deceased surveyor had a salary, they may allow the same salary to his successor, in proportion to the time he shall serve the said office. Id.

The surveyor shall, from time to time, give information upon oath to the justices, or two of them, of all such highways, and of all bridges, causeways, &c. as are out of repair, and ought to be repaired by any person or persons, bodies politic or corporate, by reason of any grants, &c. and the said justices shall limit a time for repairing the same; and if such repairs shall not be effectually made within the time so limited, the said justices shall present such highways, bridges, causeways, or pavements, together with the person or persons liable to repair the same, at the next general quarter-sessions for the place where such highway shall lie; and the justices there, if they see cause, may direct the prosecution to be carried on at the general expence of such county, city, precinct, or liberty, and to be paid out of the general rates within such jurisdiction. Id.

And where any lands have been or shall be given for the maintenance of causeways, pavements, highways, and bridges; the persons enfeoffed or trusted therewith shall let them to farm at the most improved yearly value, without fine. And the justices, in their open sessions, shall enquire, by such ways and means as they shall think fitting, into the value of such lands; and order the improvement and employment of the rents and profits thereof, according to the direction of the donor, if they find that the persons so intrusted have been negligent or faulty in the performance of their trust. Except such lands as have been given, for the uses aforesaid, to any college or hall in either of the Universities of this kingdom, which have visitors of their own. Id.

Composition

Composition instead of labour.

13 G. 3. c. 78.

ANY person liable to perform the duty by sending a team, draught, or plough, with men, horses, or oxen, in manner aforesaid, may compound for the same, if he thinks fit, by paying to the surveyor such sum as the justices, at their Michaelmas special sessions in every year, shall adjudge to be reasonable, not exceeding 6s. nor less than 3s. for each team, draught, or plough, for each day; and in default of their adjudging the same, then the sums of 4s. 6d.—for every cart and one horse or beast of draught, 2s.—for every cart with two horses or beasts of draught, 3s.—for and in lieu of each day's duty. And every inhabitant liable to perform such duty or labour, and not chargeable in any other respect, may compound for 4d. each day.

7d.

Provided, that if it shall appear to the justices, at their special sessions to be held in the week next after the Michaelmas quarter-sessions, that in any place there will be a difficulty in procuring the necessary carriage, or a sufficient number of labourers, without paying high and extravagant prices for the same; the said justices may order the team duty, or so much thereof as they shall think fit, to be performed in kind, except in respect of such teams as belong to persons who do not occupy 30l. a year: they also may order the labourers, or such part of them as they shall think fit, to perform the labour in kind, on being paid for such labour the usual wages given to labourers in such parish, township, or place, deducting thereout the sum of 4d. for each day, being the composition hereby allowed for labourers.

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Provided, that if part of such teams or labourers only are required, it shall be directed by the said order of the justices in some given proportion, as one half, third, or fourth part thereof; and the surveyor shall in that case, at a public vestry, put the names of all the persons liable to send such teams into one hat or box, and the names of all the persons liable to perform such labour into another hat or box; and some inhabitant, then present, shall draw out such number from each, as shall be equal to the proportion so ordered by the justices; and the persons so drawn shall perform such duty in kind for that year. Which order of the said justices, so far as the same shall be extended, shall supersede the said power or liberty of compounding, and shall be binding and effectual to all intents and purposes.

7d.

And if any person shall keep a team, draught, or plough, and shall not occupy 30l. a year in the parish, township, or place where he shall reside, but shall in part maintain his horses and beasts of draught used in such team, upon or from lands which he shall occupy in one or more adjacent parish or parishes;

rishes; it shall be lawful for the justices, at some special sessions, to mitigate and reduce the duty or composition in such manner as they shall think reasonable.

Working.

EVERY man inhabiting in any parish, township, or place, and being of the age of 18 and under the age of 60 years, not chargeable in any other matter respecting the highways for 4l. a year, or upwards, and not being, *bona fide*, an apprentice or menial servant, nor having performed the statute-duty or paid composition for the same in any other parish, township, or place, for that year, shall, by himself or one sufficient labourer, work six days, for eight hours in every of the said days, as he shall be directed by the surveyor. And every person making default in performing such labour, at the time and place and in the manner directed by this act, shall for every such neglect forfeit the sum of 1s. 6d. (*i. e.* 9s. for six days neglect of personal labour, or not paying the composition;) and for not sending a full team with two men, 10s. per day.—A cart with two horses and one man, 5s. per day.—A cart with one horse and one man, 3s. per day. 13 G. 3. c. 78.

The justices, at a special sessions, may, by writing under their hands and seals, order those highways (not being turnpike) which in their opinion do most want repair, to be first amended, and at what time, and in what manner; according to which order (if such there be) the surveyors shall proceed within their respective limits.—If the justices make no such order, then the surveyors shall have the like power of direction. 14.

Materials how to be procured.

IT shall be lawful for such surveyor, for the use aforesaid, in any waste land, or common ground, river, or brook, within his district, or within any other parish, township, or place, wherein gravel, sand, chalk, stone, or other materials are likely to be found, (in case sufficient cannot be conveniently had within the parish, township, or place, where they are to be employed, and in case sufficient shall be left for the use of the roads in such other parish, township, or place) to search for, dig, get, and carry away the same; so as he do not thereby divert or interrupt the course of such river or brook, or prejudice or damage any building, highway, or ford, nor dig or get the same out of any river or brook within the distance of 100 feet above or below any bridge, nor within the like distance of any dam or wear.—And likewise to gather stones lying upon any lands or grounds within the parish, township, or place where such highway shall be, for such service and purpose:—And to take and carry away so much of the said materials, as by him shall be thought necessary for the 14.

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the amendment of the said highways, without making any satisfaction for the said materials: But no such stones shall be gathered without the consent of the occupier of the lands, or a licence from a justice, after having summoned the occupier, and heard his reasons (if he shall appear and give any) for refusing his consent.—The same on turnpike-roads.

13 G. 3. c. 78.

And it shall be lawful for the surveyor, for the use aforesaid, to search for, dig, get, and carry away sand, gravel, chalk, stone, or other materials, if sufficient cannot conveniently be had within such waste lands, common grounds, rivers, or brooks, in and through any of the several or inclosed grounds of any person whomsoever, within the parish, township, or place, where the same shall be wanted, or, by licence of two justices at a special sessions, within any other parish, township, or place, adjoining or lying near to the highway for which such materials shall be required, if it shall appear to such justices that sufficient materials cannot be conveniently had in the parish, township, or place, where such highways lie, or in the waste lands, or common grounds, rivers, or brooks of such adjacent parish, township, or place, and that a sufficient quantity of materials will be left for the use of the parish, township, or place, where the same shall be (such lands not being a garden, yard, avenue to a house, lawn, park, paddock, or inclosed plantation); the surveyor making such satisfaction for the damage to be done to such lands by the getting and carrying away the same, as shall be agreed upon between him and the owner, occupier, or other person interested, in the presence, and with the approbation, of two or more substantial inhabitants; and if they cannot agree, then to be settled by a justice of the limit where the lands lie.

Id.

And if any person shall dig, or cause to be dug, materials contrary to the directions of this act, whereby any bridge, mill, building, dam, highway, ford, mines, or tin works, may be damaged or endangered; he shall forfeit not exceeding 5l. nor less than 20s. at the discretion of the court or justices before whom complaint shall be made.

Id.

Where a sufficient quantity of stone, gravel, chalk, or other materials, cannot be provided and carried by the labourers and teams within any parish, township, or place; the surveyor shall contract for the getting and carrying thereof (in presence of the assistant, if any such be appointed), at a meeting to be held for that purpose; of which, ten days notice in writing shall be given, by fixing the same upon the door of the church or chapel, or, if there be no church or chapel, at the most public place there; which notice shall specify the work to be done, and the time and place for letting thereof. And if the surveyor shall have any share or interest in such contract, or in any other contract for work or materials, or shall, upon his own account, let to hire any team, or sell or dispose

dispose of any timber, stone, or other materials (unless a licence in writing for the sale of such materials, or for letting to hire such team, be first obtained from a justice); he shall forfeit 10l. and be for ever after incapable to be employed as a surveyor with a salary.

If any surveyor, or person employed by him, shall, by reason of the searching for, digging, or getting any gravel, sand, stones, chalk, clay, or other materials, make any pit or hole in such lands, rivers, or brooks, as aforesaid, wherein such materials shall be found; he shall forthwith cause the same to be sufficiently fenced off, and such fence supported and repaired, during such time as the said pit or hole shall continue open; and after having dug up sufficient materials in such pit or hole, he shall, within 14 days, cause the same to be filled up, sloped down, or fenced off, and so continued.— And where no materials shall be found, he shall, within three days, cause such hole or pit to be filled up, levelled, and covered with the turf or clod which was dug out of the same. 13 G. 3. c. 78.

And if such surveyor or other person shall neglect to fill up, slope down, or fence off such pit or hole, in manner and within the time aforesaid; he shall forfeit 10s. And if he shall neglect to fence off such pit or hole, or to slope down the same, as herein before directed, for six days after he shall have received notice for either of those purposes from a justice, or from the owner or occupier of such several ground, river, or brook, or any person having right of common within such common or waste lands; he shall, on conviction before one justice, forfeit not exceeding 10l. nor less than 40s.; the same to be applied in the fencing off, filling up, or sloping down such pit or hole, and towards repair of the roads in the parish or place where the offence was committed, as such justice shall direct. 14.

Removing Obstructions and Annoyances.

NO tree, bush, or shrub, shall be permitted to stand or grow in any highway, within the distance of 15 feet from the centre thereof, except for ornament or shelter to the house, building, or court yard of the owner thereof. 14.

And if the possessors of the land next adjoining shall not, within ten days after notice given by the surveyor, cut, prune, and plash such hedges, and cut down or prune and lop such trees; the surveyor may complain to a justice, who shall summon the possessor of the said lands to appear before the justices, at some special sessions, to answer to the said complaint; and if it shall appear to the justices, at such special sessions, that such possessor hath not complied with the requisitions of this act, the said justices, upon hearing the surveyor and the possessor

feffor of such land, or his agent, (or, in default of appearance, on having due proof of the service of such summons) may order such hedges to be cut, plashed, and pruned, and such trees to be cut down or pruned, in such manner as may best answer the purposes aforesaid. And if the possessor of such land shall not, within ten days, obey such order on notice thereof, he shall forfeit 2s. for every 24 feet in length of such hedge which shall be neglected to be cut and plashed, and 2s. for every tree which shall be neglected to be cut down, or pruned and lopped; and the surveyor shall cause the same to be done, and the possessor shall pay, over and above the penalties, the charges and expences of doing the same; to be levied by distress by warrant of one justice.

13 G. 3. c. 78.

And where the ditches shall not be sufficient to carry off the water which shall lie upon and annoy the highways; in such case, it shall be lawful for the surveyor, by order of one justice, to make new ditches and drains in and through the lands adjoining or lying near to such highways, for the more easy and effectual carrying off such water from the said highways.

And if any stone or timber, or any hay, straw, stubble, or other matter, for the making of manure, shall be laid in any highway within 15 feet from the centre thereof; and shall not, within five days after notice given by the surveyor, or some person aggrieved thereby, be removed; the owner or possessor of the lands adjacent, or any other person, by order of a justice, may clear the said highway, by removing the stone, timber, hay, straw, dung, or other matter, and have the same to his own use.

14.

If any person shall encroach by making, or causing to be made, any hedge, ditch, or other fence, on any highway not being turnpike road, within the distance of 15 feet from the middle or centre thereof; or shall plough, harrow, or break up the soil of any land or ground, or in ploughing or harrowing the adjacent lands shall turn his plough in or upon any land or ground, within the distance of 15 feet from the middle or centre of any highway, where the breadth of such highway is formed and marked, or described with certainty, and doth not exceed in breadth 30 feet; he shall forfeit 40s. to him who shall make information thereof: and the surveyor may cause such hedge, ditch, or fence, to be taken down, or filled up, at the expence of the person to whom the same shall belong: and one justice, on proof to him made upon oath, may levy as well the expences of taking down such hedges, as the said penalty, by distress.

15.

The surveyor shall, at all such times as he shall judge proper, view all the common highways, trunks, tunnels, plats, hedges, ditches, banks, bridges, causeways, and pavements; and if he shall observe any nuisances, encroachments, obstructions, or annoyances, he shall give to any person doing or permitting

mitting the same personal notice, or notice in writing to be left at his usual place of abode, specifying the particulars: and if such nuisances, obstructions, or annoyances, shall not be removed; and the ditches, drains, gutters, and water-courses aforesaid effectually made, scoured, cleansed, and opened; and such trunks, tunnels, plats, and bridges made and laid; and such hedges properly cut and pruned, within 20 days after such notice; then the surveyor shall do the same, and the person neglecting shall forfeit for every foot in length one penny, and, over and above the said forfeiture, the surveyor shall, by such person, be reimbursed his charges and expences in doing the same; and if not paid on demand, the surveyor shall apply to a justice, and on making oath before him of the notice being given as aforesaid, and of the work being done, and of the expences attending the same, the surveyor shall be repaid, by such person, all such charges as shall be allowed to be reasonable by the said justice; and if not paid on demand, the same shall be levied as other penalties and forfeitures by this act.

If the driver of any cart, car, dray, or waggon, shall ride upon any such carriage in any street or highway, not having some other person on foot or on horseback to guide the same (such carriages as are conducted by some person holding the reins of the horse or horses drawing the same excepted);—or if the driver of any carriage whatsoever, on any part of any street or highway, shall by negligence, or wilful misbehaviour, cause any hurt or damage to any person or carriage passing or being upon such street or highway;—or shall quit the highway and go on the other side of the hedge or fence inclosing the same;—or wilfully be at such distance from such carriage, whilst it shall be passing upon the highway, that he cannot have the direction and government of the horses or cattle drawing the same;—or shall, by negligence or wilful misbehaviour, prevent, hinder, or interrupt the free passage of any other carriage, or of his majesty's subjects, on the said highways;—or if the driver of any empty or unloaded waggon, cart, or other carriage, shall refuse or neglect to turn aside and make way for any coach, chaise, loaded waggon or cart, or other loaded carriage;—or if any person shall drive, or act as the driver, of any such coach, post-chaise, or other carriage, let for hire, or waggon, wain, or cart, not having the owner's name (as by this act is directed) painted thereon, or shall refuse to discover the true christian and surname of the owner of such respective carriage: he shall, on conviction by confession, view of the justice, or oath of one witness, before one justice, forfeit any sum not exceeding 10s. in case such driver be not the owner of such carriage; and if he be the owner, then any sum not exceeding 20s. and, in default of payment, be committed to the house of correction for any time not exceeding one month, unless the same be sooner paid. And every such

13 G. 3. c. 78.

driver offending in either of the said cases, may, by authority of this act, with or without any warrant, be apprehended by any person who shall see such offence committed, and shall be immediately conveyed or delivered to a constable or other peace officer, to be conveyed before a justice, to be dealt with according to law. And if any driver, in any the cases aforesaid, shall refuse to discover his name; the justice may commit him to the house of correction for any time not exceeding three months, or may proceed against him for the penalty by a description of his person and the offence, and expressing in the proceedings that he refused to discover his name.

13 G. 3. c. 78.

And for the better discovering of offenders, the owner of every waggon, wain, or cart, and also of every coach, post-chaise, or other carriage, let to hire, shall cause to be painted, upon some conspicuous part of his waggon, wain, or cart, and upon the pannels of the doors of all such coaches, post-chaises, or other carriages, before the same shall be used in any public highway, his christian and surname and place of abode, in large legible letters; and continue the same thereupon so long as such carriage shall be used upon any highway; and the owner of every common stage waggon or cart shall, over and above his christian and surname, cause to be painted on the part and in the manner aforesaid, the following words, *common stage waggon or cart*, as the case may be. And every person using any such carriage as aforesaid upon any highway, without the said names and descriptions respectively, or causing to be painted thereon any fictitious name or place of abode, shall forfeit not exceeding 5l. nor less than 20s.

14.

And for preventing obstructions near public bridges; if any person, collecting any tolls payable for passing over any public bridge with carriages or cattle of any kind, shall keep any victualling house, alehouse, or other place of public entertainment; or shall sell, or permit to be sold therein, any wine, beer, ale, cyder, spirituous liquors, or other strong liquors, by retail,—he shall, on conviction before one justice, by confession, or oath of one witness, forfeit 5l.

Direction Posts, Blocks, Mile Stones, Water Marks, and Battlements of Bridges.

15.

THE justices, at a special sessions, shall issue their precept to the surveyor, where several highways meet, and there is no proper or sufficient direction post or stone already fixed or erected, requiring him forthwith to cause to be erected or fixed, in the most convenient place where such ways meet, a stone or post, with inscriptions thereon, in large legible letters, painted on each side thereof, containing the name or names of the next market town or towns, or other considerable

able place or places to which the said highways lead; and also at the several approaches or entrances to such parts of any highways, as are subject to deep or dangerous floods, graduated stones or posts, denoting the depth of water in the deepest part of the same; and likewise such direction posts or stones as the said justices shall judge to be necessary for the guiding of travellers in the best and safest track through the said floods or waters: and if he shall refuse or neglect, for the space of three months, to cause such stones or posts to be fixed; he shall forfeit 20s.

If any person shall pull down, destroy, obliterate, or deface any mile stone or post graduated, or direction post or stone, erected upon any highway, such person shall, upon conviction before one justice, by the oath of one witness, or upon view of the justice, forfeit not exceeding 5*l.* nor less than 10*s.*; and, in default of payment, shall be committed to the house of correction, there to be whipped, and kept to hard labour for any time not exceeding one calendar month, nor less than seven days.

13 G. 3. c. 78.

Breadth of wheels, and number of horses.

NO waggon, having the bottom of the fellies of the wheels of nine inches breadth, shall be drawn with more than eight horses; and no cart, having the bottom of the fellies of the wheels of nine inches breadth, shall be drawn with more than five horses. And no waggon, having the bottom of the fellies of the wheels of six inches breadth, and rolling on each side a surface of nine inches, shall be drawn with more than seven horses. And no waggon, rolling a surface of six inches only, shall be drawn with more than six horses; and no cart, having the bottom of the fellies of the wheels of six inches breadth, shall be drawn with more than four horses. And no waggon, having the bottom of the fellies of the wheels of less breadth than six inches, shall be drawn with more than five horses; and no cart, having the bottom of the fellies of less breadth than six inches, shall be drawn with more than three horses: on pain that the owner shall forfeit 5*l.* and the driver (not being the owner) 10*s.* for every horse or beast above the number respectively, to the sole use of the informer.—But carriages moving upon wheels or rollers of the breadth of 16 inches on each side thereof, with flat surfaces, shall be allowed to be drawn with any number of horses or other cattle.

14.

N. B. On turnpike roads the number of horses in waggons is limited to four; in highways in general they are allowed five. The penalty on turnpike roads is 20*s.* to be paid by the driver, not being the owner; but 5*l.* if the owner offends.

No

13 G. 3. c. 78.

No prosecution shall be commenced before a justice, unless the information be laid within three days; and if it shall appear to the justice before whom the complaint shall be made, that the offender lives so remote as to make it inconvenient to summon him to appear before such justice, the said justice may dismiss the complaint, and leave the informer to his remedy by action at law.

12.

The justices, at the Michaelmas quarter-sessions, may licence, in such manner and for such time as they shall think fit, an increase of the number of horses to be drawn in carriages up any steep hill, or any road not turnpike, over and above the number herein before limited; if it shall appear, upon the oaths of credible witnesses, to the satisfaction of any justice of the peace, or of any court of justice authorized to enforce the execution of this act, that any waggon, cart, or carriage, could not, by reason of deep snow or ice, be drawn by the number of horses or beasts of draught hereby allowed; they may stop the proceedings before them for recovery of the forfeiture.—For all the purposes of this act, two oxen or horned cattle shall be considered as one horse.

18 G. 2. c. 33.

The wheels of every cart, car, or dray, within the bills of mortality, shall be six inches broad in the felly, and not wrought about with iron, nor be drawn with above the number of three horses, after they are up the hills from the water side; on pain of 40s. by warrant of one justice, by distress; and for want of distress, or non-payment in six days after demand, to be committed till paid.—But this not to extend to any country cart or waggon, that shall bring any goods, or shall carry any goods half a mile beyond the paved streets of the cities of London and Westminster.

2 W. & M. c. 8.

Breadth, widening, changing, and diverting of Highways.

13 G. 3. c. 78.

WHERE any highway shall be inclosed after a writ of *ad quod damnum* issued, and inquisition thereupon taken; any person that shall think himself injured by such inclosure, may appeal to the next general quarter-sessions, if there be time for that purpose; if not, to the next sessions after: and the determination of such sessions shall be final.

11.

In aid of the common law, and to render the changing of highways less troublesome and expensive, power is given by this act, to the justices of the peace, to widen, divert, and change highways, as they shall judge most convenient.

Id.

Where it shall appear, upon the view of two justices, that any highway between the fences thereof is not of sufficient breadth, and may be conveniently widened and enlarged; or that the same cannot be conveniently enlarged and made commodious

modious for travellers, without diverting and turning the same: the said justices shall order such highway respectively to be widened and enlarged, or diverted and turned, in such manner as they shall think fit; so that the said highway, when enlarged and diverted, shall not exceed 30 feet in breadth; and that neither of the said powers do extend to pull down any house or building, or to take away the ground of any garden, park, paddock, court, or yard.

And if the surveyor cannot agree with the owners, or if they shall refuse to treat or to take such recompence as shall be offered by the surveyor; then the justices, at any general quarter-sessions, upon certificate in writing, signed by the justices who made such view, of their proceedings in the premises, and on proof of 14 days notice in writing having been given by the surveyor to the owner, occupier, or other person or body corporate interested in such ground, or to his or their guardian, trustee, clerk, or agent, signifying an intention to apply to such quarter-sessions for the purposes of taking such ground,—shall impanel a jury out of the persons returned to serve at such sessions: and the said jury shall, upon their oaths, assess the damages to be given and recompence to be made to the owners and others interested in the said grounds, as they shall think reasonable, not exceeding 40 years purchase for the clear yearly value of the ground; and likewise such recompence as they shall think reasonable, for making new ditches and fences on the side or sides of the said highways that shall be so enlarged or diverted; and also satisfaction to any person, or body corporate, that may be otherwise injured by the enlarging or diverting the said highways respectively.

And where there is not sufficient money in the hands of the surveyor, the said two justices in case of agreement, or the said quarter-sessions, after such verdict as aforesaid, shall order an equal assessment to be made and levied upon all and every the occupiers of lands, tenements, woods, tithes, and hereditaments, in the parish, township, or place where such highway lies; and if not paid in ten days after demand, the same shall, by order of the said two justices or court of quarter-sessions respectively, be levied by the surveyor in the manner herein-after mentioned. Provided, that no such assessment to be made in any one year shall exceed 6d. in the pound of the yearly value of the lands, tenements, woods, tithes, and hereditaments so assessed.

And when any such new highway shall be made as aforesaid, the old way shall be stopped up, and the land and soil thereof shall be sold by the surveyor, with the approbation of the said justices, to some person whose lands adjoin thereto, if he shall be willing to purchase the same; if not, to some other person, for the full value thereof. But if such old road shall lead to any lands, house, or place, which cannot, in the opinion of such

such justices, respectively be accommodated with a convenient way and passage from such new highway; in such case, the old highway shall only be sold, subject to the right of way and passage to such lands, house, or place respectively; and the money arising by the sale shall be applied towards the purchase of the land where such new highway shall be made. And on payment or tender of the money, and on a certificate signed by the said two justices, or by the chairman of the said court or quarter-sessions respectively, describing the lands so sold, and expressing the sum so agreed for, and directing to whom the same shall be paid; and on the purchaser's taking a receipt for such purchase-money from the person entitled to receive the same, by an indorsement on the back of such certificate, the soil of such old highway shall become vested in such purchaser and his heirs.

13 G. 3. c. 78.

And moreover, when it shall appear, upon the view of two justices, that any public highway, not in the situation herein before described, or public bridle-way, or foot-way, may be diverted, so as to make the same nearer or more commodious to the public, and the owner of the lands through which such new highway, bridle-way, or foot-way, is proposed to be made, shall consent thereto by writing under his hand and seal; it shall be lawful, by order of the justices at some special sessions, to divert and turn, and to stop up such foot-way, and to divert, turn, stop up, and inclose, sell and dispose of such old highway or bridle-way, and to purchase the ground and soil for such new highway, bridle-way, or foot-way, by such ways and means, and subject to such exceptions and conditions in all respects, as herein before mentioned with regard to highways to be widened or diverted. And it shall be lawful for any person injured or aggrieved by any such order or proceeding, or by the inclosure of any highway by virtue of an inquisition taken upon a writ of *ad quod damnum*, to appeal to the next general quarter-sessions, on giving ten days notice in writing to the surveyor and party interested in such inclosure, if there be time for that purpose; if not, then to the next sessions after. But no inclosure or stoppage of such old way shall be made, until the new way shall be completed, and so certified by two justices upon view; which certificate shall be returned to the clerk of the peace, and by him enrolled amongst the records.

Id.

Provided, that no common land, lying between the fences of any old highway to be stopped up or inclosed by virtue of this act, shall be inclosed. And where the same, not being common land, shall upon a medium exceed 30 feet in breadth, and not extend to 50 feet, the same shall not be stopped up or inclosed, until satisfaction be made to the owner for so much as shall exceed the breadth of 30 feet; and if the parties cannot agree, the same shall be adjusted by the said justices,

or

or the jury, if a jury be impanelled: and if it shall exceed 50 feet in breadth, or if the old road be through the open field or ground belonging to any particular person; such person, and also the person or persons entitled to the land between the fences on the side of such highway, shall respectively hold and enjoy the land and soil of such old highway, and pay to the surveyor so much as shall be agreed on; or if they cannot agree, then so much as shall be adjudged by the said justices or jury, if a jury be impanelled, to be adequate to the purchase, estimating such highway at 30 feet in breadth upon an average.

And the damage, if the parties interested shall not agree in adjusting the same, shall be adjudged by two indifferent persons, one to be named by the owner of the land, and the other by the said two justices; and if the persons so to be nominated cannot agree therein, they shall chuse some third person to adjudge the same, whose determination shall be final. And the money at which such damages shall be assessed, shall be applied in making satisfaction to the owner of the land through which such foot-way shall be made. 13 G. 3. c. 78.

And if in any parish or place, where a highway shall be diverted and turned, it shall appear to the justices, that there are other highways within such parish or place, besides that so to be diverted and turned, which may without inconvenience to the public be diverted into such new highway, or into any other within the same parish or place, and the charge of repairing the same may be thereby saved; the said justices may order such highway, which shall appear to them unnecessary, to be stopped up, and the soil thereof sold, in such manner, and subject to such restrictions, and such right of appeal, as herein before directed concerning highways to be stopped up or inclosed. Id.

Assessments how to be made.

FOR reimbursing expences, upon application by the surveyor to the justices at a special sessions, and oath made of the sums he hath *bona fide* laid out, or which will be required for the purposes aforesaid; the said justices, or two of them, shall by their warrant, cause an equal assessment to be made upon all occupiers of lands, tenements, woods, tithes, and hereditaments; to be made and collected by such person or persons, and allowed in such manner, as the said justices by their order at such sessions shall appoint; and to be levied as herein after directed.—Provided, that no such assessment for those or any of those purposes, in any one year, shall exceed the rate of 6d. in the pound. Id.

13 G. 3. c. 78.

If, upon application of the surveyor to the justices at their general or quarter-sessions, or at a special sessions for the highways, the said justices shall be fully satisfied, by proof upon oath, that the duty hath been performed, and the money applied according to the directions of this act; or shall be fully satisfied that the common highways, bridges, causeways, streets, or pavements, belonging to any parish, township, or place, are so far out of order, that they cannot be sufficiently amended and supported by the means herein before prescribed (notice being first given of such intended application, at the church or chapel on some Sunday preceding such quarter or special sessions; or, if the place be extra-parochial, notice in writing being first given of such intended application, to some of the principal inhabitants residing in such extra-parochial place, a week at least before such general or special sessions);—in such case, an equal assessment upon all and every the occupiers of lands, tenements, woods, tithes, and hereditaments, within any such parish, township, or place, for the said purposes, may be made and collected by such person, and allowed in such manner, as the said justices by their order at such general or special sessions shall direct.—Provided, that the said assessment, and the assessment herein before authorized for buying materials, making satisfaction for damages, erecting guide posts, and paying the surveyor's salary, shall not together, in any one year, exceed the rate of 9d. in the pound.

Penalty of hindering the Execution.

14.

IF any person shall resist or make forcible opposition against any person employed in the execution of this act; or make any rescue of the goods distrained; or if any constable shall refuse or neglect to execute or obey any warrant of a justice, he shall, on conviction before one justice, forfeit not exceeding 10l. nor less than 40s. to be paid to the surveyor, for the repair of the highways: if not forthwith paid, or secured to be paid upon conviction, the justice shall commit him to the common gaol or house of correction, for any time not exceeding three months, unless the forfeiture be sooner paid.

Penalty of the Surveyor for Neglect of Duty.

14.

IF any surveyor, after his acceptance of the office, shall neglect his duty in any thing required of him, for which no particular penalty is imposed, he shall forfeit not exceeding 5l. nor less than 10s. at the discretion of the justice or justices having jurisdiction therein.

Surveyor's

Surveyor's Account.

THE surveyor shall produce the book and the assessments made in that year, to the inhabitants, at a vestry or other public meeting to be held for that purpose, within 15 days before the special sessions to be holden in the week next after Michaelmas quarter-sessions; to the intent that the said accounts, assessments, and lists, may be inspected by the said inhabitants. And after the said book and assessments shall have been produced at such meeting, he shall take the same to a justice, on such day and at such hour as shall be agreed upon at such meeting before such last mentioned special sessions; and then and there verify such account, or any part thereof, upon oath, if required. And such justice may allow such account, if he finds it just, or postpone it until such special sessions, if he finds cause for so doing; and in case any articles contained in such accounts shall not be explained and proved to the satisfaction of such justices, they may disallow the same.

13 G. 3. c. 78.

And, for the account examined and taken, and oath administered, the justices' clerks shall have the sum of 1s. and no more.—And when the said accounts shall have been so settled and allowed, or disallowed as aforesaid, the said book and assessments shall be transmitted to a churchwarden or overseer of the poor of such parish, township, or place, or if the place be extra-parochial, then to some principal inhabitant thereof, to be kept for the use of such parish, township, or place: and the said surveyor shall also forthwith deliver a duplicate of such book and account, together with all sums of money that shall remain in his hands, and likewise all tools, materials, implements, and other things as aforesaid, to the succeeding surveyor, if any shall be appointed; or retain the same in his hands, and account for them in his next account, if he shall be continued surveyor in the succeeding year.

Id.

And if such surveyor shall neglect to provide such book, or to enter such accounts and lists therein, or to deliver the said book and such duplicate thereof, and such assessments, tools, materials, implements, and other things, in manner aforesaid, he shall forfeit not exceeding 5l. nor less than 40s.—And if he shall make default in payment, or accounting for the money remaining in his hands, within the time, and according to the directions aforesaid, he shall forfeit double the money which shall be adjudged by the said justices to be in his hands.—If the surveyor shall die, before such accounts or lists be made out, or such money, book, assessments, tools, materials, and implements, shall be so delivered and paid, his executors or administrators shall make out, pay, and deliver the same

Id.

Highways in general

same, in like manner, and under the like penalty, as the surveyor was liable and subject to.

Presentment or Indictment of Highways in general.

13 G. 3. c. 78.

IF the inhabitants of any parish, township, or place, shall agree, at a vestry or other public meeting, to prosecute any person by indictment for not repairing any highway within such parish, township, or place, which they apprehend such person was obliged to by law, or for committing any nuisance upon any highway, or shall agree, at such vestry-meeting, to defend any indictment or presentment against them, the surveyor may charge in his account the reasonable expences thereof, after the same shall have been agreed to by such inhabitants at a vestry or public meeting, or allowed by a justice within the limit where such highway shall be.

Presentment by a Justice.

14.

EVERY justice of the peace, either upon his own view or upon information on oath given to him by the surveyor, may make presentment at their respective assizes or great sessions, or in the open general quarter-sessions of the peace, of any highway, causeway, or bridge, not well and sufficiently repaired and amended, or of any other default or offence committed and done contrary to the provision and intent of this statute : and every such presentment shall be as effectual as if found by the oaths of 12 men : and the justices, at their general quarter-sessions, or the major part of them, may, if they see just cause, direct the prosecution on such presentment as shall be made at the quarter-sessions, to be carried on at the general expence of such limit, and to be paid out of the general rates within the same : and for every such default so presented, the justices of assize, counties palatine, and great sessions, and justices of the peace, at their respective courts, may assess such fines as they shall think meet.

Levying of Assessments, Fines, and Forfeitures.

15.

IF any person shall refuse or neglect to pay the sum assessed upon him by any assessment in pursuance of this act, within ten days after demand thereof made, the same shall be levied by the surveyor or any other person, by warrant of one justice, by * distress ; and in default of distress, the justice may commit

* See Appendix, No. 35, 36, and 37.

him

him to the common gaol, there to remain until he shall have paid the sum so assessed, and the costs and charges occasioned by such neglect or refusal.—And if any fine, issue, penalty, or forfeiture, for not repairing the highways, or not appearing as aforesaid, shall be levied on one or more of the inhabitants, such inhabitant may make his complaint to the special sessions; and the justices there shall, by their warrant, cause a rate to be made according to the form and manner herein before prescribed for reimbursing such inhabitant. Which rate so made, and confirmed by two justices, shall be collected and levied by the surveyor; who shall, within one month after making and confirming the rate, collect, levy, and pay such inhabitant the money so levied as aforesaid.

All penalties and forfeitures by this act imposed, for any offence against the same, and all costs and charges to be allowed and ordered by the authority of this act (the manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied by distress, by warrant of one justice, where the offence, neglect, or default shall happen; which warrant such justice shall grant, on conviction of the offender by confession, or the oath of one witness, or upon order made as aforesaid. And the penalty, when levied, shall be paid half to the informer, and half to the surveyor, for the repair of the highways, unless otherwise directed by this act. But if the surveyor shall be the informer, then the whole shall be employed towards the repair of the highway. And if such distress cannot be found, and such penalties and forfeitures, or the said costs and charges shall not be forthwith paid, the justice may commit him to the common gaol or house of correction, for any time not exceeding three months, unless the penalty, forfeiture, costs, and charges, be sooner paid.

13 G. 3. c. 78.

And if the offender live out of the jurisdiction of the said justice, any justice of the limit where such person shall inhabit, on request to him made, and on a true copy of the conviction, and of the order for payment of such costs and charges being produced, and proved before him by one witness upon oath, shall, by his warrant, cause the penalty or forfeiture mentioned in such conviction, and the costs and charges mentioned in such order, or so much thereof as shall not have been paid, to be levied by distress; and if no sufficient distress can be had, shall commit him to the common gaol or house of correction of such limit, for the time and in the manner aforesaid.—No conviction shall be had, unless upon confession, or oath of one witness, or view of the justice.—Any justice may administer an oath to any witness or other person, for the better discovery and execution of the several matters or things herein directed to be enquired into and performed.

Id.

Appeal.

Appeal.

- 23 G. 3. c. 78. IF any person shall think himself aggrieved by any thing done by any justice or other person in the execution of this act, and for which no particular method of relief is herein otherwise appointed, he may appeal to the general quarter-sessions, giving notice in writing of his intention to bring such appeal, and of the matter thereof, to the justice or other person against whom the complaint shall be made, within six days after the cause of such complaint shall arise; and within four days after such notice, entering into recognizance before a justice, with one sufficient surety, conditioned to try such appeal, and abide the order of, and pay such costs as shall be awarded by, the justices at such quarter-sessions.—And the justices at such sessions, on proof of such notice given, and of the entering into such recognizance, shall determine the appeal in a summary way, and award costs to either party, to be levied and recovered as herein before directed.

Highways. (*Turnpike.*)

- 23 G. 3. c. 84. NO gatekeeper, or other person renting the tolls, and residing in the toll-house, shall be removable by any order of two justices, as to his settlement, unless he shall be actually chargeable; nor shall he gain a settlement by such renting and residence in the parish or place where the toll-house is situate: and no tolls or toll-house shall be assessed, towards the poor-rate, or any other public or parochial levy.—And the gatekeeper, and also the surveyor, shall, when required by notice in writing from the trustees, or any five of them, render upon oath, to be administered by a trustee, an account in writing of all money received by them on account of the road, and not before accounted for; on pain of 5l. to be recovered in a summary way before one justice, and applied to the use of the road.

And if the wife or family of a gate-keeper who shall die, shall refuse to deliver up possession within four days after another shall be appointed, or if a gate-keeper shall be discharged from his office, and shall refuse to deliver up possession within two days after notice given to him of his discharge, one justice may, by his warrant, order the constable, with such assistance as shall be necessary, to enter the house and premises in the day time, and remove the persons who shall be found therein, together

together with their goods, out of such house, and put the new appointed officer in possession.—Every constable refusing or neglecting to put this act in execution, and every surveyor, toll-taker, &c. that shall neglect, for the space of one week after an offence committed, to lay such information on oath before a justice, as by this act is directed, shall forfeit 10*l*.

And the justices in sessions, on complaint to them made, by any justice or two creditors or trustees, may cause weighing engines to be erected, and the expences thereof to be paid out of the tolls. 13 G. 3. c. 84.

No prosecution shall be commenced before a justice by way *Id.* of information, for any forfeiture incurred by the owner or driver of any carriage having a greater number of horses therein than are allowed by this act, unless such information be laid within three days after the offence committed; and no action shall be commenced, unless within one calendar month after the offence committed; and neither such information nor action shall be brought, unless notice be given by the informer to the driver, on the day on which the offence shall be committed, of an intention to complain of such offence. And if it shall appear to the justice before whom such complaint shall be made, that the offender lives so remote as to make it inconvenient to summon him, the justice may dismiss the complaint, and leave the informer to his remedy by action at law.

Penalty of evading the Tolls.

IF any person shall unload any goods before they come to the turnpike-gate or engine, and thereby pay less toll at such gate, than would have been paid if such goods had not been so unladen, he shall, on conviction before one justice, on the oath of one witness, forfeit 5*l*. to be levied upon the goods of the owner; and the driver, not being the owner, so offending, and being convicted thereof as aforesaid, shall be committed to the house of correction for the space of one month.—If the owner or driver shall turn out of the road, in order to avoid weighing or paying the toll, and shall afterwards return and proceed upon the road, he shall, on conviction before one justice, by the oath of one witness, forfeit, if he be the owner, not exceeding 5*l*. nor less than 20*s*.; if he be the driver, and not the owner, any sum not exceeding 50*s*. nor less than 10*s*.

If any person shall take off any horse or other beast of draught from any waggon or other carriage, or cause the distance of the wheels to be altered before the same shall come to the gate, with intention to avoid the toll, or any forfeiture or penalty, he shall, on conviction before one justice, on the oath of one witness, forfeit 5*l*.

Carriages

N. B. If the farmer of the tolls shall take more or less toll than he ought, he shall forfeit 5*l*. and also the contract, if required; and every other gate-keeper, who shall take a greater or less toll than he ought, shall forfeit 40*s*.

Carriages to be marked. See p. 156.

13 G. 3. c. 84.

IF any person shall, upon any turnpike-road, drive any waggon, wain, cart, or carriage, not being marked as aforesaid, the constable, surveyor, or any other person, may apprehend and carry him before a justice, and on conviction, by confession or oath of one witness, he shall forfeit not exceeding 5l. nor less than 10s.

Driver misbehaving. See Highways in general, p. 155.

Statute-Duty and other Labour on Turnpike-Roads, p. 150.

12.

WHERE there are two or more turnpike-roads under several acts of parliament, within the same parish, township, or place, and the statute-duty directed by all such acts for the repair of such turnpike-road shall exceed three days duty in the whole, two justices, in a special sessions, may proportion the statute-duty betwixt such turnpike-roads and the other highways in such parish, township, or place, in such manner as they shall think fit, having first summoned the clerks and surveyors of the turnpike-roads, and likewise the surveyor of the highways for such parish, township, or place.—Where parts of highways or turnpike-roads are turned, by legal authority, to make the same nearer or more commodious, the inhabitants or other persons, who were liable to the repair of the old highway, shall be liable to the repair of the new: and if the several parties interested cannot agree, the same shall be viewed by two justices, and settled by them: and if it shall be found more convenient to fix a gross sum, or annual sum, to be paid by the inhabitants or other such persons, towards the repair of the new highway, the justices may, with the consent of such person or persons, and of the inhabitants, obtained at a vestry meeting for that purpose, and also of the trustees at a public meeting, if it be turnpike-road, order and direct the same accordingly.

13.

Where any turnpike-road is in such a state and condition, that the statute-duty required to be performed upon the same, or some part thereof, may be dispensed with, the justices, at a special sessions, upon application to them made by the surveyor of such parish, township, or place, may summon the clerk or surveyor of the turnpike-road to appear before them

at

at some other special sessions, and produce before them a state of the revenues and debts belonging to such turnpike-road: and if it shall appear to them, that the whole or any part of the statute-duty may conveniently be dispensed with from such turnpike-road, without endangering the securities for the money advanced on the credit of the tolls, they may order the whole or part of such statute-duty to be performed upon the highways, not being turnpike, within such district, during such time as to them shall seem just and reasonable.

If the surveyor of any turnpike-road shall suffer to remain for the space of four days, in any part thereof, within 10 feet on either side of the middle of the road, any post, heap of stones, rubbish, or earth, by which the passage thereof may be obstructed or straitened, he shall forfeit 40s.—If any person shall encroach, by causing to be made any hedge, ditch, or other fence, on any turnpike-road, within 30 feet from the middle thereof, or shall plough, harrow, or break up the soil of any ground, or in ploughing or harrowing the adjacent lands shall turn his plough or harrow on any ground within the distance of 15 feet from the middle thereof as aforesaid, he shall forfeit 40s. to him who shall make information thereof: and one justice, on proof thereof upon oath, may levy as well the expences of taking down such hedges as aforesaid, as the several penalties hereby imposed, by distress.—If the trustees shall erect a gate where they have no power, the justices in sessions, upon complaint, may hear and determine the same in a summary way, and order the sheriff to remove it. 13 G. 3. c. 84.

If any person shall wilfully or wantonly pull down, obliterate, or deface any mile stone or post, he shall, on conviction before one justice, upon view, or by the oath of one witness, forfeit not exceeding 5l. nor less than 10s. and in default of payment, shall be committed to the house of correction, to be whipped and kept to hard labour, not exceeding one calendar month, nor less than seven days, unless the same be sooner paid. 12.

Every mortgagee, that shall have taken possession of the toll-gate or bar, shall, within 14 days after notice given to him in writing from the trustees, or any five of them, render upon oath, to be administered by any trustee, an exact account in writing of all money received by him, or by any other to his use, at such toll-gate or otherwise, and what he hath expended in keeping or repairing the same; and if he shall neglect to render such account, he shall, on conviction in a summary manner before one justice, forfeit for every omission the sum of 10l. to the use of the road. 11.

If any person shall resist, or make forcible opposition against, any person employed in the due execution of this act, or of any particular turnpike act; or shall pass through, without paying the toll appointed to be paid; or if the constable shall 11.

refuse or neglect to execute any justice's warrant; he shall forfeit not exceeding 10l. nor less than 40s. to be paid to the surveyor, for the use of the turnpike-road; and if not forthwith paid or secured, he shall be committed to the common gaol or house of correction for any time not exceeding three months, unless the forfeiture shall be sooner paid.

13 G. 3. c. 84.

All penalties and forfeitures by this act imposed, and all costs and charges to be allowed and ordered, by authority of the same, the manner of levying and recovering whereof is not hereby otherwise particularly directed, shall be levied by distress and sale of the goods of the offender, or of the person ordered to pay the said costs respectively, by warrant of one justice, on conviction of the offender by confession or oath of one witness, or upon such order made as aforesaid: the same to be paid half to the informer, and half to the surveyor for the use of the turnpike-road, unless otherwise particularly directed. And in case such distress cannot be found, such justice shall commit the offender to the common gaol or house of correction, for any time not exceeding three months, unless the said penalty, forfeiture, costs, or charges, shall respectively be sooner paid.

Id.

And any justice may act in the execution hereof, notwithstanding he may be a creditor or trustee.

Id.

And if the offender live out of the jurisdiction of the justice, any justice of the limit, where the said person shall inhabit, shall, on request to him made, and a true copy of the conviction for the penalty or forfeiture, or of the order for the payment of costs or charges, being produced and proved before him upon oath, cause the said penalty or forfeiture, or the said costs or charges, to be levied by distress; and, if no sufficient distress can be had, shall commit such person to the common gaol or house of correction of such limit, for the time and in the manner aforesaid.

Id.

Every prosecutor or informer may, at his option, sue for and recover any forfeiture or penalty imposed by this or any other act for erecting turnpikes or repairing turnpike-roads, in manner following, viz. if the same shall not amount to 40s. it shall be recoverable only by information before a justice; and if it shall amount to 40s. or upwards, it may be recovered either before a justice as aforesaid, or by action of debt in any of his majesty's courts. Provided, that ten days notice in writing be given to the party offending, previous to the commencement of the action; and that the same be brought within one calendar month after the offence committed.

If any person shall think himself aggrieved by any thing done by any justice in pursuance of this act, except under the particular circumstances hereafter mentioned, and for which no particular method of relief is herein otherwise appointed, he may appeal to the general quarter-sessions. And the justice,
having

having received notice of such appeal, shall return all proceedings before him touching the matter of such appeal, to the said sessions, on pain of 5*l*. And the justices at such sessions, on proof of the notice given, and of the entering into recognizance, shall hear and determine the appeal in a summary way, and award costs to either party as they shall see cause, to be levied and recovered as herein before directed.

Highwaymen. See Robbery.

Homicide.

HOMICIDE in law signifies the killing of a man by a man. *Haw. 66.*

Manlaughter.

BY manslaughter is to be understood such killing of a man as happens either on a sudden quarrel, or in the commission of an unlawful act, without any deliberate intention of doing any mischief at all. *1 Haw. 66.*

There is this difference between murder and manslaughter; *3 Inst. 55.* viz. that murder is upon malice forethought, and manslaughter upon a sudden occasion.

This offence is not bailable by the justices of the peace. *3 Ed. 1 c. 15.*

Murder is, when a man of sound memory, and of the age of discretion, unlawfully killeth any person under the king's peace, with malice forethought, either expressed by the party, or implied by law; so as the party wounded or hurt, die of the wound or hurt, within a year and a day.

The law so far abhors all duelling in cold blood, that not only the principal who actually kills the other, but also his seconds, are guilty of murder, whether they fought or not. And it is holden, that the seconds of the party slain are likewise guilty as accessaries. *1 Haw. 82.*

They that are present when any man is slain, and do not their best endeavour to apprehend the murderer or manslayer, shall be fined and imprisoned. *3 Inst. 53.*

Where any person shall be feloniously stricken or poisoned in one county, and die in another county, the offender may be indicted in the county where the party dies, before the coroner, justices of the peace, or other justices. *2 & 3 Ed. 6. c. 24.*

By the rubrick in the book of common-prayer, before the burial office, a person who hath laid violent hands upon himself, shall not have that office used at his interment. *13 & 14 C. c. 4.*

N. B. No distinction seems to be here made as to the state of mind in which the party put an end to his life; the prohibition in the rubrick, with respect to the burial service, is absolute.

Horses.

24 G. 3. *sess.* 2,
c. 31.

FROM and after Sept. 29, 1784, every person who shall keep any horse, mare, or gelding, for riding, or for drawing any coach, chaise, &c. liable to pay duty under the management of the commissioners of excise, shall pay annually 10s. on pain of 20l. for neglecting to make entry thereof in ten days.

And for every horse, &c. previous to its being entered to run for any plate, or sum of money, the further sum of two guineas; on a penalty, for neglect, of 20l. to be paid to the clerk of the course, or other person authorized to make the entry.

Id. Every dealer in horses within the cities of London and Westminster, the bills of mortality, or the borough of Southwark, shall take out a licence, and shall *annually* pay for it 10l.; if without those limits, 5l. Such duties are to be under the commissioners of the stamp duties; who are appointed, any two or more of them, to grant such licences; to be renewed ten days at least before the expiration of the year for which the preceding licence shall have been granted.

Id. All persons *licensed to deal in horses*, shall have those words legibly written on some visible place in the front of their houses or stables, &c. on a penalty of 5l. for neglecting to do it.

Id. No person shall be compelled to travel further than to the next market town to make entry, or give fresh notice, or to pay such duties as aforesaid, which must be done within 20 days after the expiration of 12 calendar months, after giving the former notice.

Id. Lists of persons liable to pay duties on windows, with the number of their windows, shall be delivered by the parish collectors of window duties to the distributors of stamps, on a penalty, for neglect, of 5l.; the collectors to be paid 2s. for every hundred names, and so in proportion for any less number.

Id. The head distributor shall demand the duty of any person whose name is contained in such lists, and who shall not have registered any horse, &c. liable to the above duties.

Id. This act shall not extend to the horses of soldiers, or non-commissioned officers in any of his Majesty's regiments of cavalry, nor of licensed dealers, kept for sale and not for hire,
nor

nor to any horses, &c. let for travelling post, or to hire for a day, &c. by any licensed post-master, or inn-keeper.

All horses used for riding, or in drawing any carriage subject to any excise duty, shall be liable to the said duty of 10s. annually.

25 G. 3. c. 47.

But upon any appeal to the commissioners, from the assessment for any horse, and upon proof on oath, to the satisfaction of the commissioners, that such horse, for which any person occupying a farm not worth more than 150l. per annum shall have been so assessed, has been only used for the purpose of riding to and from market, or church, or other place of public worship, and to no other place, or for no other purpose of riding, the commissioners may make an abatement of the whole duty from the charge against the person to whom such horse shall belong.

Id.

All penalties imposed by this act, not exceeding 20l. shall be recoverable before two justices, and may be levied by distress, and for want of distress the offender may be committed to the county prison, for not more than six months, nor less than one: one moiety of the penalty to his majesty, the other to the informer prosecuting for the same, within one year after the offence committed.

Id.

No person keeping a horse, mare, or gelding, which shall be used really and truly for husbandry, or drawing any carriage, (except such as was heretofore liable to an excise duty) or carrying burthens in the course of the trade or occupation of the owners, shall be chargeable with the duty of 10s. per annum: if such horse, &c. be only used for riding in its return from carrying such burthen, or to fetch such burthen, or to market, to a place of public worship, to an election of members to serve in parliament, or to or from a court of justice or meeting of commissioners of taxes.

26 G. 3. c. 79.

Where the owners are, through poverty, excused parochial taxes, their horse is also exempted from the tax.

Id.

Such persons as by the former act were allowed one horse for riding, they renting a farm worth no more than 150l. per annum, are no longer excused the tax: that indulgence is, by this act, confined to occupiers of farms less than 70l. per annum, provided such horse, &c. is usually kept for the purposes of husbandry.

Id.

The stamp officers shall affix on the church doors, within 30 days after the payment of such duties, the names of the persons, and the number of the horses so paid for; and the times when the same were paid: and any person defacing such list shall forfeit 40s.

24 G. 3. *sess.* 2. c. 31.

Where persons have more than one place of residence, a duplicate of such entry, mentioning at the foot of it the time of the original entry, shall be delivered to the stamp officer of the next market town, on pain (for neglect) of 40s.

Id.

The

24 G. 3. *sess.* 2.
c. 31.

The penalties to be divided, one moiety to his majesty, his heirs and successors, and the other, with full costs, to him who shall inform and sue for the same.

Id.

Any justice residing near, may hear and determine offences against this act; may summon the party accused, and also witnesses, on either side, and examine into the matter of fact; and on due proof, by confession of the party, or the oath of one or more credible witness or witnesses, may give judgment, as the act directs, and levy penalties by distress, if not otherwise paid, to be sold if not redeemed within six days, rendering the overplus, if any, to the party; or commit the offender, on failure of distress, for three months, or till the penalty shall be paid.

Id.

Persons aggrieved may appeal to the next general quarter-sessions; who shall finally hear and determine the same.

Id.

If any persons, who shall be summoned to appear as witnesses, shall refuse or neglect to appear, they shall forfeit 40s.

Id.

The justice may mitigate the penalties, where he shall see cause, to one moiety, over and above all costs and charges.

This act is in part repealed, but the duties on horses continue the same: the execution of the act being transferred to the commissioners of the duties on houses and windows.

Buying of stolen Horses.

2 & 3 P. & M.
c. 7.
31 Eliz. c. 12.

EVERY person offending against this statute, shall forfeit 5l. half to the king, and half to him that shall sue before the justices in sessions, or in any ordinary court of record, and the sale shall be void.

Id.

If any horse shall be stolen, and afterwards shall be sold in open fair or market, if claim be made in six months, where the horse shall be found, before the mayor, if in a town corporate, or else before a justice near the place where found, and so as proof be made before such magistrate in 40 days next ensuing, by two witnesses, that the property of such horse was in the party claiming, and was stolen from him within six months next before such claim, such sale shall not take away the owner's property; but the party from whom the same was stolen may at all times after, notwithstanding such sale, take again the said horse, on payment or readiness to offer to the party who hath possession, so much as he shall swear before such magistrate, that he paid for the same.

Killing or maiming Horses in the Night.

22 & 23 C. 2.
c. 7.

WHERE any person shall, in the night-time, maliciously kill or destroy any horses, he shall be guilty of felony, and may

may be transported, by three justices in sessions, for seven years.—If any person shall, in the night-time, maliciously wound or hurt any horses, he shall forfeit to the party aggrieved treble damages, to be recovered by action at law, or before three justices.

Horse-Races.

WHEREAS the great number of horse-races for small plates, or prizes, have contributed very much to the encouragement of idleness, and impoverishment of many of the meaner sort of people, and the breed of strong and useful horses hath been much prejudiced thereby, it is enacted, that no person shall enter, start, or run any horse (mare or gelding) for any prize, unless the same shall be, *bona fide*, his own property, on pain of forfeiting the same, or the value thereof. 13 G. 2. c. 19.

And no plate, prize, sum of money, or other thing, shall be run for, or advertised or proclaimed to be run for, unless such plate, prize, or sum of money, be of the real and intrinsic value of 50*l.* or upwards: and if any person shall enter, start, or run any horse for any such plate, prize, or sum of money, under the value of 50*l.*; or shall make, print, advertise, or publish any advertisement of any such prize under the value of 50*l.* every such person so entering, starting, or running such horse, shall forfeit 200*l.* And every maker, printer, or publisher of such advertisement, shall forfeit 100*l.*—And no person shall start or run any match for any sum of money or other thing, unless it be at Newmarket or Black-Hambledon, or unless such sum or other thing be of the real and intrinsic value of 50*l.* or upwards, on pain of 200*l.*

Every clerk of the course, or other person with whom any running horse, &c. shall have been entered, shall, within 14 days, pay all monies received on such account to the distributor of the stamps in the county where the race was run, on pain of 100*l.* for neglecting so to do, and also shall forfeit double the amount of the monies due on such account. 24 G. 3. sess. 2. c. 31.

An allowance to be made of 1*s.* in the pound to such clerk of the course, &c. 14.

Betting, losing, winning, cheating, and the like, at horse races, are within the statutes of Gaming; for which see the title Gaming.

House.

4 *Black.* 223.

A MAN's home or habitation is so far protected by the law, that if any person attempts to break open a house in the night-time, and shall be killed in such attempt, the slayer shall be acquitted and discharged.

3 *W. c. 9.*

In the case of burglary, which is breaking and entering a dwelling-house in the night-time with intent to commit felony, it is a capital offence, although no felony be actually committed. And where the offence falls short of burglary, it is by several particular statutes made felony without benefit of clergy, to rob any dwelling-house in the day-time, any person being therein; or stealing in the day-time to the value of 5s. in any dwelling-house or out-house thereunto belonging, although no person be therein; or stealing to the value of 40s. in any dwelling-house or out-house, although the same be not broken open; or breaking a house in the day-time, any person being therein and put in fear, although nothing be stolen; or privately stealing any goods to the value of 5s. in any shop, warehouse, or stable, although it be not broken open, nor any person be therein. And a reward of 40l. is given to any person who shall apprehend, and prosecute to conviction, any person guilty of the felonious breaking and entering of a dwelling-house either by day or night.

Duty on Houses in general, and on Windows or Lights therein.

20 *G. 2. c. 3.*

COMMISSIONERS of the land tax shall be commissioners for the duties on houses and windows.—And every assessor, before he acts, shall take the oaths required by 1 *W. c. 18.* before three commissioners; which oaths are the oaths of allegiance and supremacy.—Assessors refusing to take the oaths, or their offices, shall forfeit 5l. by distress and sale.

Id.

The commissioners shall openly read, or cause to be read to the assessors, the several rates and duties, and openly declare the effect of their charge unto them, and how they ought to make their assessments.

6 *G. 3. c. 38.*

That is to say, for every dwelling-house, inhabited, shall be paid yearly 3s.

And

And for every window or light in every dwelling-house inhabited, an additional yearly sum as followeth :

7 windows, and no more	—	2d. each.
8	—	6d. each.
9	—	8d. each.
10	—	10d. each.
11	—	1s. 0d. each.
12	—	1s. 2d. each.
13	—	1s. 4d. each.
14, 15, 16, 17, 18, 19	—	1s. 6d. each.
20	—	1s. 7d. each.
21	—	1s. 8d. each.
22	—	1s. 9d. each.
23	—	1s. 10d. each.
24	—	1s. 11d. each.
25 and upwards	—	2s. 0d. each.

And every kitchen, scullery, buttery, pantry, larder, wash-house, laundry, bake-house, brew-house, and lodging-room, belonging to or occupied with any dwelling-house, whether joined to it or not, shall be deemed part thereof, and the windows therein charged accordingly. 21 G. 2. c. 10.

And where several windows are fixed in one frame, if the partition or division between them is of the breadth of 12 inches, the window on each side of the partition shall be deemed a distinct window. 20 G. 2. c. 3.

And all windows in frames which shall give light into more rooms than one, shall be charged as so many separate windows as there are rooms enlightened thereby. 1d.

No windows or lights shall be deemed to be stopped up, unless it be done effectually with stone or brick, or plaister upon lath, or upon any other material commonly used to plaister upon, or with the same kind of materials whereof the outside of the house doth chiefly consist.—If any occupier shall open any windows, after the assessments are settled, and warrants for collecting signed, without notice in writing to the surveyor, he shall forfeit 20s. by distress and sale, half of which fine shall go to the informer. 21 G. 2. c. 10.

The rates shall be charged only upon the inhabitants or occupiers, and not on the landlord who let or demised the same. 20 G. 2. c. 3.

And if any person shall wilfully obstruct or molest any assessor in the execution of his duty, he shall forfeit 5l. to be levied as the rates and duties. 21 G. 2. c. 10.

The assessors appearing at the day appointed, shall deliver in their assessments, to be verified upon their oaths, and not otherwise.—And shall then return the names of two or more able and sufficient persons to be collectors, for whom the parish or place shall be answerable.—At which time, also, three or more of the commissioners shall set their hands to the assessments, testifying their allowance thereof. 20 G. 2. c. 3.

21 G. 2. c. 10.

All appeals which shall be made between March 25, and August 20, yearly, shall be heard and determined by the commissioners, upon such days as shall be by them appointed between August 20, and September 15. And all such other appeals as shall be made between September 29, and January 20, yearly, shall be heard and determined upon such other days as shall be appointed between January 20, and February 10.

19 G. 3. c. 59.

For every dwelling-house inhabited, together with the offices, courts, yards, and gardens therewith occupied, worth the yearly rent of 5l. and upwards, and under 20l. shall be annually paid the sum of 6d. in the pound : from 20l. and under 40l. the sum of 9d. in the pound : from 40l. and upwards, the sum of 1s. in the pound.

Id.

Where a house is divided into different stories or tenements, and inhabited by two or more families, the landlord or owner shall be deemed the occupier, and charged accordingly.

18 G. 3. c. 26.

But no farm-house shall be rated, which is used, *bonafide*, for the purposes of husbandry only ; and not valued at more than 10l. per annum.

19 G. 3. c. 59.

Coach-houses, offices, yards, courts, and gardens, occupied with any dwelling-house, and not exceeding one acre, to be valued with the house, and liable to the said duties.

Id.

Warehouses, being distinct buildings, used only for the purpose of lodging goods, are not chargeable with the said duties.

House of Correction.

BY the 7 J. c. 4. it was enacted, that before Michaelmas 1611, there should be built or provided within every county, one or more fit and convenient houses of correction ; which houses were to be purchased, conveyed, or assured unto such persons, as by the justices in sessions should be directed, upon trust, that the same should be employed for the keeping, correcting, and setting to work, rogues, vagabonds, or sturdy beggars, and other idle and disorderly persons.

17 G. 2. c. 5.

On presentment of the grand jury, that there is no house of correction, and that it will be necessary to provide one or more ; or that the houses of correction already provided are not sufficient or convenient, or want to be enlarged, the justices in sessions shall have power to build, or enlarge, one or more fit houses of correction, or to buy or hire such houses for that purpose, with convenient outlets thereto adjoining, as on examination of able and sufficient workmen, or others, shall appear to be necessary for that purpose : and if houses or lands are to be purchased, they shall be conveyed to such persons as the said justices

justices in sessions shall direct, in trust, and for the uses and purposes aforesaid. And the justices in sessions shall appoint, at their will and pleasure, fit persons to be governors or masters of such houses so to be provided; and shall appoint such sums yearly as they shall think meet, to be paid quarterly before-hand by the treasurer, the said master or governor giving sufficient security for the continuance and performance of the said service; which sums shall be paid out of the general county-rate. 12 G. 2. c. 29.

And the justices in sessions shall take care that the houses of correction (except those erected or maintained by particular founders) shall be duly fitted up, and supplied with implements, materials, and furniture, for keeping, relieving, employing, and correcting all idle and disorderly persons, rogues, vagabonds, incorrigible rogues, and others, who shall be sent to, confined, or continued in the same; and shall make such orders and regulations as they shall think fit, for the better governing and regulating the said houses, and for employing, relieving, and punishing the persons therein, or for sending them to or from thence; which orders shall not be removed by any certiorari. 17 G. 2. c. 5.

And whereas doubts may arise, where authority is given to any justice or justices, to commit offenders to the house of correction, for offences cognizable before them out of sessions, how long offenders may be there detained, and in what manner treated, where the time and manner of their punishment is not by law expressly limited; it is enacted, that where any offenders shall be committed as aforesaid, by virtue of any law in being or to be made, and the time and manner of their punishment is not expressly limited, the said justice or justices shall commit such offenders to the house of correction, there to be kept to hard labour until the next general or quarter-sessions, or until discharged by due course of law; and two justices (of which the justice who committed him shall be one) may discharge the said offender before the sessions, if they see cause; and if he shall not be so discharged, the said sessions may either discharge him, or continue him further, not exceeding three months. *Id.*

And where any person liable by law to be committed to the house of correction, shall be apprehended within any liberty, city, or town corporate, whose inhabitants are contributors to the house of correction of the county, the justices of such liberty may commit such person to the house of correction of the county. 15 G. 2. c. 24.

If the master shall not, at every quarter-sessions, yield a true account of all such persons as have been committed to his custody; or if any person committed to his custody, shall be troublesome to the country, by going abroad; or otherwise shall 77. c. 4.

shall escape away from the house of correction, before he shall be from thence lawfully delivered; then the said justices shall set such fines and penalties upon the said master or governor, as they shall think fit; and all fines and penalties shall be paid to the treasurer, and accounted for by him.

17 G. 2. c. 5.

Two justices within the respective hundreds, divisions, or jurisdictions, where there shall be any house of correction, or any two justices appointed by the sessions, shall visit the same twice a year, or oftener if need be, and report the state thereof to the next sessions. And if the governors thereof shall not set or keep the said idle and disorderly persons, rogues, vagabonds, and incorrigible rogues, to hard labour, and punish and correct them according to the directions of their warrants of commitment, or shall otherwise misbehave themselves, the said justices in sessions shall fine them; the fines to be paid to the treasurer, and accounted for by him as part of the county-stock.

Id.

The justices in sessions may remove the said governor or master; and if any person removed by order of sessions, shall refuse or neglect to quit possession, for ten days after notice given him in writing by the clerk of the peace, any two justices (on producing to them such order of sessions, or an attested copy thereof, and on oath of one witness of such notice having been given, and of his having refused or neglected to quit possession) may, by their warrant, direct the sheriff to remove him, who shall thereupon clear the possession as in case of a writ of *habere facias possessionem*.

24 G. 2. c. 40.

No spirituous liquors shall be sold or used in any house of correction; as may be seen more at large, under the article relating to spirituous liquors in the title EXCISE.

17 G. 2. c. 5.

And to defray the expences of erecting, purchasing, and repairing houses of correction, and of purchasing land to erect them upon, &c. the justices in sessions may cause such sums as shall be necessary, to be raised in the same manner as rates are to be raised by the 12 G. 2. c. 29.

22 G. 3. c. 64.

The justices of the peace in every county, riding, division, &c. within England and Wales, at their respective quarter-sessions of the peace, to be held next after Midsummer from the time of passing this act, shall nominate one or more justice or justices of the peace, to examine and inspect the several houses of correction within their respective jurisdictions; and the justice or justices, so to be nominated, is and are hereby required carefully and diligently to inspect the same, and to report his or their opinion to the justices of their respective jurisdictions, at the Michaelmas quarter-sessions then next following, as to the state and condition thereof, and the increase of number, or additions or alterations which they may judge necessary to make them more convenient and useful, having regard to the classing of the several persons who shall be kept there,

there, according to the nature of their crimes and punishments, and to the providing proper places for the employment of such persons as are committed to hard labour, and to the keeping every part of such prisons clean and wholesome; and the said justice or justices, so to be nominated, is and are hereby required to employ proper and skilful persons to make plans and estimates of new buildings, or the additions or alterations which he or they shall think necessary in the present buildings, to make them answer the several purposes of this act; which plans, together with the report of the said justice or justices, shall be laid before the court at the said Michaelmas quarter-sessions; or if not then, at or before the Epiphany quarter-sessions then next following; which court is hereby authorised and required to consider the same, and if they approve such plans, they may adjourn the quarter-sessions to a further day, for receiving proposals from persons inclined to undertake such work; and the justices, in settling and adjusting such plans, are hereby required to provide separate apartments for all persons committed upon charges of felony, or convicted of any theft or larceny, and committed to the house of correction for punishment by hard labour, in order to prevent any communication between them and the other prisoners; and they are also to provide separate apartments, in each division of the house of correction, for the women who shall be committed thither.

And the justices of the peace, at their general quarter-sessions, shall, and they are hereby empowered, from time to time, upon any report made to them as aforesaid, to make such order thereupon as to them shall seem just, and the nature of the case may require.—As soon as such buildings shall be made, or altered and completed, according to the directions aforesaid, the justices of the peace, at their general quarter-sessions, shall order them to be fitted up and furnished in such manner as to them shall seem fit; and shall also provide such utensils and implements as they shall judge proper, for employing the several persons who shall be committed to such houses of correction for hard labour: and the keepers of such houses of correction are to deliver to the chairman of the quarter-sessions lists of the persons in their respective custody, distinguishing the age and sex of every such person committed to hard labour, and in what trade, manufacture, or business, every such person hath been employed, and is best qualified for, and how each person has behaved during his or her confinement, according to the best of his information and observation; and the court shall, before the end of that session, give such directions for the future employment of the said several prisoners as to them shall seem meet; and the justices shall, at their general quarter-sessions of the peace, from time to time, order and direct a sufficient quantity of materials for manu-

22 G 3. c. 64.

manufactures to be provided, for the use and employment of the several persons who shall be committed to such houses of correction for hard labour, of such kinds as they in their discretion shall think most proper; and they shall employ some fit person to be keeper of such house of correction, and may appoint a temporary assistant or assistants to instruct such prisoners in any business or branch of manufacture, which the justices shall think most proper to be set on foot and undertaken there.

12 G. 3. c. 64.

The rules, orders, and regulations for the better government of the persons to be committed to the said houses of correction, shall be duly observed and enforced, subject to such additions as shall from time to time be made by the justices of the peace, at their quarter-sessions which shall be held next after Midsummer or Michaelmas, and which they are hereby authorised to make at their discretion; and such rules and orders shall be printed in plain legible characters, and fixed up in some conspicuous part of every such prison.—And the governor shall have power to punish the several offenders against these rules, by closer confinement; and shall enter in a book, to be kept by him for the inspection of the justices at the quarter-sessions, and the visiting justice or justices, the name of every person who shall be so punished by him, expressing the offence, and the duration of the punishment inflicted.

14.

The justices of the peace at their general quarter-sessions, may and shall cause such sums of money, as shall be necessary for all or any of those purposes, to be raised in the same manner as rates are directed to be raised by an act 12 G. 2. entitled, *An act for the more easy assessing, collecting, and levying of county-rates.*

15.

Any justice may present the want of houses of correction to the quarter-sessions, on his view or knowledge thereof; which presentment by the justice shall be proceeded upon in the same manner as if it had been made by the grand-jury.—All prisoners in such houses may be employed by the governor in some work or labour which is not severe, although such prisoners were not, by the warrant of their commitment, ordered to be kept to hard labour; and every such governor or keeper shall enter a separate account of the work done by every person under that description, and shall account with and pay to him or her one half of the nett profits which he or she shall have earned, at the time of his or her discharge, and not before.—No governor, or officer under him, is to sell wine, &c. or any other article used in the house, under pain that every person offending therein, shall, on complaint made on oath, and conviction of the said offence, before a magistrate having jurisdiction there, forfeit 10*l.* for every such offence, and shall be dismissed from his employment as governor or keeper, or as assistant

assistant in such house of correction, by order of the justices at their next general quarter-sessions of the peace; and no wine, ale, spirituous or other liquors, shall be brought into the house of correction to be drank there, unless for a medical purpose, by a written direction, under the hand of the apothecary or surgeon usually attending such house of correction; and the directions given by 17 G. 2. for the inspection and controul by the justices over the master or keeper of every such house of correction, shall be strictly adhered to and enforced. The justices of the peace, in their respective quarter-sessions, shall fix a reasonable salary for the governor or keeper of the house of correction, and may moreover allow him some proportion of the profits earned by the prisoners.

Governors are empowered to handcuff or fetter any refractory prisoner.—The justices of the peace, at their general quarter-sessions, may, if they think fit, appoint a minister of the church of England, residing in or near the place where every such house of correction shall be situate, to perform divine service there every Sunday, and may appoint such salary for his trouble as they shall think fit, not exceeding 20*l.* per annum, to be paid by the treasurer of the county; but such salary to be diminished, at any future quarter-sessions, if the justices shall think fit.—All penalties inflicted by this act, shall, in default of payment, after due summons and demand made, be levied by distress and sale, by virtue of a warrant under the hand and seal of any justice of the peace having jurisdiction where such offender shall dwell; and for want of such distress, it shall and may be lawful to and for any justice of the peace to commit such offender to the common gaol, for any space not exceeding six calendar months, nor less than one calendar month; every such penalty and forfeiture shall be paid to the treasurer of the county.

By this act, justices who have not, in pursuance of the former act of 22 G. 3. c. 64. examined the state of the houses of correction, may enforce the said act at the next or any subsequent quarter-sessions: and when the expences of building, rebuilding, or enlarging such houses shall exceed one half of the annual county rate (on an average of the last five years), the justices in their sessions may borrow, on the credit of the county rate, any sums, not less than 50*l.* nor more than 100*l.* each, by way of mortgage.

The whole conduct of this matter, relative to the borrowing and repayment of money, and also the purchase of lands, &c. is on the same footing with the act respecting the gaols (except the clause which forbids any justice being concerned in any contract for rebuilding, &c.) to which the reader may very conveniently be referred.

Any justice or justices of the peace authorized to convict any person or persons in a summary way, without a jury, may, after

after the passing of this act, if he or they shall think fit, commit persons so convicted to the house of correction, instead of the common gaol.

Hue and Cry.

2 H. H. 89.

FOR levying hue and cry, although it is a good course to have the warrant of a justice of the peace, when time will permit, in order to prevent causeless hue and cry; yet by the frame of the statutes, it is by no means necessary, nor is it always convenient; for the felon may escape before the warrant be obtained, and hue and cry was part of the law, before justices of the peace were first instituted.

13 Ed. 1. st. 2.
c. 6.

Constables of hundreds shall be chosen, who shall present before justices assigned, defaults of the suits of towns, and all such as lodge strangers in uplandish towns, for whom they will not answer.

3 Inst. 117.

And they which levy not hue and cry, or pursue not upon hue and cry, may be indicted, fined, and imprisoned.

Hundred.

22 G. 2. c. 46.

WRITS of execution which shall be sued out against the inhabitants of any hundred, on any judgment obtained by virtue of any act of parliament, shall, by the sheriff on receipt thereof, be produced to two justices, (1 Q.) in or near the hundred; the same being first proved on oath before the said justices; and the attorney's bill taxed.

Hunting. See Game.

Ideots. See Lunatics.

Imprisonment. See Arrest, Commitment.

Inclosures. (*Pulling down.*)

9 G. 3. c. 29.

IF any person shall wilfully or maliciously demolish, pull down, or otherwise destroy or damage, any fence made for dividing or inclosing any common, waste, or other lands or grounds

grounds in pursuance of any act of parliament, or shall cause or procure the same to be done; he shall be guilty of felony, and transported for seven years. Prosecution to be commenced in 18 months after the offence committed.

Indictment.

THERE can be no doubt, but that all capital crimes ^{2 Haw. 210.} whatsoever, and also all kinds of inferior crimes of a public nature, as misprisions, contempts, disturbances of the peace, oppressions, and all other misdemeanors whatsoever of a public evil example against the common law, may be indicted: but no injuries of a private nature, unless they some way concern the king.

A fact amounting to a felony is not indictable as a trespass. ^{L. Raym. 712.}

Indorsing a Warrant in another County. See *Appendix*, No. 101.

Infants.

BY an infant, or minor, is meant any one who is under the ^{1 Inst. 2.} age of 21 years.

An infant may be guilty of forcible entry, in respect of ^{1 Hawk. 147.} personal actual violence.

And the justices may fine him therefore: but yet it shall be ^{Dalt. c. 126.} good discretion in the justices of the peace, to forbear the imprisonment of such infant.

No age is limited for the binding of parish apprentices; but ^{43 El. c. 2.} it seemeth they may be bound after the age of seven, when they cease to be nurse-children, and consequently may be taken from the mother.—See APPRENTICE.

It shall be felony without benefit of clergy, to steal goods to ^{14 An. 3. 2. c. 2.} the value of 40s. out of an house, though the house be not broken open; but this shall not extend to apprentices under 15 years of age.

Servants above the age of 18, embezzling their master's ^{21 H. 2. c. 7.} goods to the value of 40s. shall be punished as felons.

Information.

2 *Haw.* 259.

INFORMATIONS are of two kinds ; 1. Such as are merely at the suit of the king ; and, 2. Such as are partly at the suit of the king, and partly at the suit of the party ; which are commonly called informations *qui tam*, from those words in the information when the proceedings were in Latin, *qui tam pro domino rege quam pro seipso*, &c.

21 *J. c.* 4.

All offences against any penal statute, for which any common informer may ground a popular action, bill, plaint, suit, or information, before the judges of assize, or justices of the peace in their general or quarter-sessions (having power to hear and determine the same) shall be prosecuted in the county where they were committed, and not elsewhere ; and if the offence is not proved to have been committed in the same county, the defendant shall be found not guilty.

18 *El. c.* 5.

No informer shall compound or agree with the defendant, but after answer made in court ; nor after answer, but by the order or consent of the court ; on pain of being set on the pillory, in some market town next adjoining, in open market, for two hours, and of being disabled to be informer on any penal statute, and also of forfeiting 10*l.* half to the king, and half to the party grieved, to be recovered in any court of record, by action of debt or information. And the justices of assize, and justices of the peace in sessions, may hear and determine all offences against this act.

Inmates.

31 *Eliz. c.* 7.

NO more inmates or families than one may be placed in any one cottage, on forfeiture of 10*s.* a month to the lord of the lect.—But by 43 *Eliz. c.* 2. the churchwardens and overseers of the poor, by the leave of the lord of the manor, and by order of the justices at their sessions, may place inmates or more families than one in the same cottage, provided they be the impotent and poor of the same parish.

Inrolment.

27 *H. 8. c.* 16.

NO manors, lands, tenements, or hereditaments shall pass from one to another, whereby any estate of inheritance,
or

or freehold, shall be made or take effect in any person, except the same bargain and sale be made by writing indented, sealed, and inrolled in one of the king's courts of record at Westminster; or else within the county where the lands lie, before the custos rotulorum, and two justices, and the clerk of the peace, or two of them at the least, whereof the clerk of the peace to be one: the same inrollment to be made in six months after date of the writings; and to be kept amongst the records of the county.

Judgment.

BY many statutes, peculiar punishments are appointed for several offences, as pillory, stocks, imprisonment, and the like; and in all these cases, no room is left for the justices' discretion, for they ought to give judgment, and to inflict the punishment in all the circumstances thereof, as such statutes do direct. *Dalt. c. 388.*

Jurors.

THE justices, at Midsummer sessions, shall issue forth their warrants under the hands and seals of two or more of them, to the high constables, requiring them to issue forth their precept to the petty constables, thereby directing and requiring them to make and return true lists in writing, of the names and places of abode of all persons, within their respective constablewicks, with their titles and additions, between the ages of 21 and 70, qualified to serve on juries by having in their own name, or in trust for them, within the same county where the issue is to be tried, ten pounds by the year at least, above reprises, of freehold or copyhold lands, and tenements of ancient demesne, or in rents, in fee simple, fee tail, or for the life of themselves or some other person; or, having in possession, in their own right, a leasehold estate of 20l. per annum, for 99 years or more. *3 & 4 An. c. 18.*

The high-constable failing to issue this precept, shall forfeit 10l. on conviction at the assizes or sessions. *4 & 5 W. c. 24.*

And if any petty constable shall wilfully omit any person who ought to be inserted, or insert any one who ought to be

omitted, or shall take any reward for omitting or inserting any person, he shall forfeit 20s. on conviction before one justice, on confession, or oath of one witness; half to the informer, and half to the poor of the parish or place for which the list is returned; if not paid in five days, to be levied by distress. And such justice shall, in writing under his hand, certify the same to the next sessions; who shall direct the clerk of the peace to insert or strike out the name of such person so inserted or omitted wrongfully.

7 & 8 W. c. 32. The petty constables, at Michaelmas sessions, shall deliver in the lists in open court.

3 G. 2. c. 25. Or instead of this, after they have compleated their lists, it shall be sufficient if they subscribe the same in the presence of one justice, and at the same time attest the truth thereof upon oath to the best of their knowledge or belief: and then the said lists, being first signed by the justice, and subscribed as aforesaid, shall be delivered by the said petty constables to the high constables, who shall deliver in the same at the said sessions in open court, attesting at the same time, upon oath, the receipt of such lists from the petty constables, and that no alteration hath been made therein since their receipt thereof.

7 & 8 W. c. 32. The constable failing to make return shall forfeit 5l. to the king, to be recovered by bill, plaint, or information.

3 G. 2. c. 25. And if any person, not qualified, shall find his name mentioned in such list, and the person required to make such list shall refuse to omit him, or think it doubtful whether he ought to be omitted, the justices at the sessions to which the lists shall be returned, on satisfaction from the oath of the party complaining, or other proof that he is not qualified, may order his name to be struck out, or omitted to be entered in the book.

7 & 8 W. c. 32. The justices shall then cause the lists to be fairly entered in a book by the clerk of the peace, to be by him provided and kept for that purpose amongst the records of the sessions.

By a clause in the commission of the peace, it is said, We command our sheriff, that at certain days, which you (the justices) shall make known to him, he cause to come before you so many and such good and lawful men of his bailiwick, (as well within liberties as without) by whom the truth shall be the better known and enquired into.

2 Haw. 406. It seems that justices of the peace may not order a jury to be returned immediately, nor on the same day, for the trial of a prisoner arraigned before them, as justices of gaol delivery may, unless the crime amount to felony, or the party consent to be tried immediately.

2 H. H. 263. And although the words of the writ be *twelve*, yet by the ancient course, the sheriff must return *twenty-four*, for the expedition of justice; for, if twelve only should be returned, there

there would seldom a full jury appear; and in this case usage and custom makes the law.

Besides the challenges which may be taken by the plaintiff or defendant, it is enacted, that in cases where the king is party, the justices of assize, or of the peace in sessions, may reform the panels of jurors, by putting to and taking out the names of the persons impanelled by their discretion; and if the sheriff do not return the panel so reformed, he shall forfeit 20l. half to the king, and half to him that shall sue. 3 H. 3. c. 12.

By the law of England, a jury after their evidence given upon the issue, ought to be kept together in some convenient place, without meat or drink, fire or candle, and without speech with any, unless it be the bailiff, and with him only if they be agreed. 1 Inst. 227.

But with the assent of the justices they may both eat and drink; and if they cannot agree, the justices may in such case suffer the jury to have both meat and drink for a time, to see whether they will agree.—But if the case so happen, that the jury can in no wise agree, the justices (as it seemeth) in such case may take such order in the matter, as shall seem to them by their discretion to stand with reason and conscience, by awarding a new inquest, or otherwise, as they shall think best. Dr. & St. 153.

If a man assault or threaten a juror, for giving a verdict against him, he is highly punishable by fine and imprisonment; and if he strikes him in the court, in the presence of the judge of assize, he shall lose his hand, and his goods, and profits of his lands during life, and suffer perpetual imprisonment. 1 Hawk. 57, 58.

In causes of *nisi prius*, every person whose name shall be drawn, and who shall not appear, after being openly called three times, shall, on oath made of his having been lawfully summoned, forfeit not exceeding 5l. nor less than 40s. unless some reasonable cause of absence be proved, by oath or affidavit, to the satisfaction of the judge. 3 G. 2. c. 25.

If the grand jury, at the assizes or sessions, will not find a bill, the court may impanel another inquest to enquire of their concealments, and thereupon set fines upon them. 3 H. 7. c. 1.

If a jury give a verdict against all reason, convicting or acquitting a person indicted of felony, what shall be done? If the jury convict a man, against or without evidence, and against the direction of the court, the court may reprieve him before judgment, and acquaint the king, and certify for his pardon: if the jury acquit him in like manner, the court may send them back again (and so in the former case) to consider better of it, before they record the verdict; but if they are peremptory in it, and stand to their verdict, the court must take their verdict and record it. 2 H. H. 309, 310.

Justices of the Peace

Dalt. c. 2.

ARE judges of record, appointed by the king, to be justices within certain limits, for the conservation of the peace, and for the execution of divers things comprehended within their commission, and within divers statutes committed to their charge.

Lamb. 63.

And a record or memorial, made by a justice of the peace, of things done before him judicially in the execution of his office, shall be of such credit, that it shall not be gainsaid.

2 Inst. 558.

In ancient times such officers or ministers, as were instituted, either for preservation of the peace of the county, or for execution of justice, were, by force of the king's writ in every several county, chosen in full or open court by the freeholders of that county.

2 Hawk. 33.

Besides these conservators of the peace properly so called, there were and are other conservators of the peace by virtue of certain offices: viz. (1) The lord chancellor, and every justice of the king's bench, throughout all the realm. (2) Every court of record within its own precinct. (3) Every justice of the peace. (4) Every sheriff. (5) Every coroner. And (6) every high and petty constable.

Id.

There were also other conservators of the peace by tenure; who held lands of the king by this service; and other conservators of the peace by prescription.

Dalt. c. 1.

The general duty of the conservators of the peace by the common law, is to employ their own, and to command the help of others, to arrest and pacify all such who in their presence, and within their jurisdiction and limits, by word or deed, shall go about to break the peace.—And if the conservators of the peace have committed or bound over any offenders, they are then to send to, or be present at, the next sessions of the peace, or gaol delivery, there to object against them.

27. H. 2. c. 24.

Justices of the peace at this day are of three sorts; 1. By act of parliament; as the bishop of Ely and his successors, and the archbishop of York, and bishop of Durham. 2. By charter, or grant made by the king under the great seal; as mayors and the chief officers in divers corporate towns. 3. By commission.

18 G. 2. c. 20.

No person shall be capable of being or acting as a justice of the peace, who shall not have in law or equity, for his own use, in possession, a freehold, copyhold, or customary estate for life, or for some greater estate, or an estate for some long term of years, determinable upon one or more lives, or for a certain term originally created for 21 years or more, in lands, tenements,

tenements, or hereditaments, in England or Wales, of the clear yearly value of 100l. above what will discharge all incumbrances affecting the same, and all rents and charges payable out of the same: or who shall not be entitled to the immediate reversion or remainder of lands leased for one, two, or three lives, or for any term of years determinable on the death of one, two, or three lives, upon reserved rents of the clear yearly value of 300l.

Every justice of the peace before he acts, at the sessions of the county where he intends to act, shall take and subscribe the oath following: *I A. B. do swear, that I truly and bona fide have such an estate, in law or equity, to and for my own use and benefit, consisting of—*(specifying the nature of such estate whether messuage, land, rent, tythe, office, benefice, or what else) *as doth qualify me to act as a justice of the peace for the county, riding, or division of —, according to the true intent and meaning of an act of parliament made in the 18th year of the reign of his majesty king George the second, entitled, an act to amend and render more effectual an act passed in the fifth year of his present majesty's reign, entitled, an act for the further qualification of justices of the peace; and that the same (except where it consists of an office, benefice, or ecclesiastical preferment, which it shall be sufficient to ascertain by their known and usual names) is lying or being, or issuing out of lands, tenements, or hereditaments, being within the parish, township, or precinct of —, or in the several parishes, townships, or precincts of —, in the county of —, or in the several counties of —, (as the case may be.)*

Which oath taken and subscribed, shall be kept by the clerk of the peace among the records of the sessions.

And if any person shall act as justice, without having taken and subscribed the said oath, or without being qualified as above, he shall, for every offence, forfeit 100l. half to the poor of the parish in which he most usually resides, and half to him who shall sue, with full costs. The prosecution to be in six months.

No sheriff shall exercise the office of a justice of the peace, *1 M. sess. 2. c. 3.* during the time that he acts as sheriff.

Justices of the peace have jurisdiction of all inferior crimes *2 How. 40.* within their commission, whether such crimes be mentioned in any statute concerning them or not; for all such crimes are either directly, or at least by consequence and judgment of law, against the peace.

The Justice of the Peace his Oath of Office.

“YE shall swear, that as justice of the peace in the county of M. in all articles in the king's commission to you directed,
you

you shall do equal right to the poor and to the rich, after your cunning, wit, and power, and after the laws and customs of the realm, and statutes thereof made: and ye shall not be of counsel of any quarrel hanging before you: and that ye hold your sessions after the form of the statutes thereof made: and the issues, fines, and amerciaments that shall happen to be made, and all forfeitures which shall fall before you, ye shall cause to be made without any concealment (or embezzling) and truly send them to the king's exchequer. Ye shall not let, for gift or other cause, but well and truly ye shall do your office of justice of the peace in that behalf: and you shall take nothing for your office of justice of the peace to be done, but of the king, and fees accustomed, and costs limited by statute. And ye shall not direct, nor cause to be directed, any warrant (by you to be made) to the parties, but ye shall direct them to the bailiff of the said county, or other the king's officers or ministers, or other indifferent persons, to do execution thereof. So help you God."

26 G. 2. c. 14.

The justices at Midsummer sessions 1753, shall settle a table of their clerk's fees; which being approved by the justices at the next succeeding sessions, with such alterations as the justices there shall think proper, shall be laid before the judges at the next assizes, who shall confirm the same with such alterations, additions, or abatements, as to them shall appear just and reasonable: and the sessions from time to time may make any other table of fees, and after the same shall have been approved by the next succeeding sessions, shall lay the same before the judges at the next assizes, who may ratify the same in like manner: and no table of fees shall be valid, until confirmed by the judges.—And if after three months from the time that such table shall be confirmed, any justice's clerk shall demand or take any other or greater fee than shall have been so confirmed, he shall forfeit 20*l.* to him who shall sue in three months.—The said table of fees shall be deposited with the clerk of the peace, who shall cause true copies thereof to be kept constantly in a conspicuous part of the room where the sessions are held, on pain of 10*l.*

27 G. 2. c. 16.

In Middlesex, the like table shall be confirmed by the two lords chief justices, and the lord chief baron or any two of them.

Dalt. c. 173.

Regularly, justices of the peace ought not to execute their office, in their own case; but cause the offenders to be convened or carried before some other justice, or desire the aid of some other justice being present.

Cro. Cir. 394.

If a justice exceed his authority, in granting a warrant, yet the officer must execute it, and is indemnified for so doing; but if it be a case wherein he hath no jurisdiction, or in a matter whereof he hath no cognizance, the officer ought not

to execute such warrant; so that the officer is bound to take notice of the authority and jurisdiction of the justice.

If the officer, in six days after demand, shall grant to the party complaining a perusal and copy of the warrant, he shall not be liable to any action, but the justice only. 24 G. 2. c. 44.

In summary convictions, the party ought to be heard, and, for that purpose, ought to be summoned in fact; and if the justice proceed against a person without summoning him, it would be a misdemeanor in him, for which an information would lie. 1 Salk. 181.

In all cases where justices may hear and determine out of sessions (viz. on their own view, or confession, or oath of witnesses) the justices ought to make a record, in writing under their hands, of all the matters and proofs; which record, notwithstanding, in many cases they may keep by them.—And if, upon such conviction, the offender is to be fined to the king, then the justices are to estreat such fine, and to send the estreat into the exchequer, whereby the barons of the exchequer may cause the said fine or forfeiture to be levied for the king's use. Dalt. c. 115.

Forasmuch as most of the business of a justice of the peace consisteth in the execution of divers statutes, which cannot be sufficiently abridged, but that they will come short of the substance and body thereof, therefore it shall be safest for the justices to have an eye to the statutes at large, and thereby to take their further and better directions, for their whole proceedings. Dalt. c. 173.

A justice of the peace is strongly protected by the law, in the just execution of his office.

Thus, in the first place, he is not to be slandered or abused.

In the next place, he is not punishable at the suit of the party, but only at the suit of the king, for what he doth as judge, in matters which he hath power by law to hear and determine without the concurrence of any other: but in cases wherein he proceeds ministerially, rather than judicially, if he act corruptly, he is liable to an action at the suit of the party, as well as to an information at the suit of the king. 2 Hawk. 85.

In the next place, if any action shall be brought against a justice for any thing done by virtue of his office, he may plead the general issue, and give the special matter in evidence; and if he recover, he shall have double costs. 7 J. c. 5.

No writ shall be sued out against, or copy of any process, at the suit of a subject, shall be served on any justice, for any thing done by him in the execution of his office, until notice in writing shall have been given to him, or left at his usual place of abode, by the attorney for the party, one month before the suing out, or serving the same; containing the cause of action, and indorsed with his name and place of abode; for which he shall be entitled to a fee of 20s. and no more — And the justice may at any time, within one month after such notice, 24 G. 2. c. 44.

Justices of the Peace.

notice, tender amends to the party complaining, or to his attorney; and if the same is not accepted, he may plead such tender in bar to the action, together with the plea of not guilty, and any other plea, with leave of the court; and if upon issue joined, the jury shall find the amends tendered to have been sufficient, they shall give a verdict for the defendant.

Crom. 7.

If a justice will not, on complaint to him made, execute his office, or shall misbehave in his office, the party grieved may move the court of king's bench for an information, and afterwards may apply to the court of chancery to put him out of the commission.

Land-Tax,

Carried into Execution by Commissioners.

Justices not, as such, concerned in it.

NO person shall be capable to act as commissioner in any county or riding at large, (the counties of Merioneth, Cardigan, Carmarthen, Glamorgan, Montgomery, Pembroke, and Monmouth, excepted) unless he be seized of lands, tenements, &c. which were taxed, or did pay, in the year next before, for the value of 100l. a year of his own estate.

But this shall not extend to commissioners being inhabitants of cities, boroughs, towns corporate, or cinque ports, or the inns of court or chancery.

No attorney or solicitor, or person practising as such, shall act as commissioner, without having 100l. a year as above. — Nor shall any receiver-general, or collector of any aid granted to his majesty, act as commissioner.

If there is not a sufficient number of qualified commissioners within any city or place for which commissioners are particularly appointed, the commissioners of the county may act therein.

No commissioner shall act, until he hath taken the oaths of allegiance, supremacy, and abjuration, which shall be administered to him by two or more commissioners, on pain of 100l. to the king.

They shall meet at the most usual and common places of meeting, on or before April 30.

At which first meeting, three or more shall be appointed for each division; but this shall not restrain any commissioners from

from acting in any other part of the county; and they shall set down in writing, who, and what number of the commissioners shall act in each division, and shall deliver a copy thereof to the receiver-general.

The commissioners, at such first meeting, shall set down in writing the sums to be charged on each division, in proportion to the sums which were assessed thereon by the land-tax act, in the fourth year of the reign of *W. & M.*

Where the proportion upon any division shall exceed 4s. in the pound, two or more commissioners may certify the same to the barons of the exchequer, who may order so much of the proportion, upon such division, to be abated as exceeds the full sum of 4s in the pound upon the estates therein.

At the same meeting, two or more commissioners shall direct their several or joint precepts to such inhabitants, high constables, petty constables, and others, as they shall think most convenient, to be presentors and assessors, requiring them to appear before the said commissioners, at such time and place, not exceeding eight days after the date of such precept, as they shall appoint.

But no person in a city, borough, or town corporate, shall be compelled to be an assessor or collector out of the limits thereof.

An assessor not appearing, without lawful excuse to be made on the oath of two witnesses; or appearing, and refusing to serve, shall forfeit to the king, not more than 5l. nor less than 40s.

The commissioners shall openly read, or cause to be read, to the assessors, the several rates, duties, and charges, and declare how and in what manner they ought to make their assessments, and how to proceed in the execution of the act: viz. to charge all manors, lands, tenements, mines, quarries, &c. iron mills, furnaces, &c. salt springs, salt works, alum mines, &c. parks, chaces, &c. fishings, tythes, tolls, &c. with equality and indifference; deducting rent charges and annuities, out of such lands, where they amount to 20s. per annum or more.

The commissioners shall assess the assessors.

Every person, whether he hath a certain place of residence or not, shall be rated for his personal estate, at the place where he is resident at the time of the execution of the act: and if he is out of the realm at the time of the assessment, he shall be rated at the place where he was last abiding in the realm.

All householders shall, on demand of the assessors, give an account of the names and qualities of such persons as shall sojourn and lodge in their houses; on pain of 5l. to be recovered as the other penalties.

In a city or town corporate, persons having their house in one parish or ward, and goods in another, shall be assessed for the whole where they inhabit. But if a person hath goods in any other county than where he is resident, or had his last residence, he may be assessed for such goods in the county where they are.

Members of parliament shall be assessed for their personal estate, at their mansion-houses, or places where they most usually reside during the interval of parliament.

Officers shall pay for the profits of their offices or employments, where the office is executed, and not where the salary is payable; but all other pensions, stipends, and annuities (not charged upon lands) shall be assessed where they are payable.

By the 32 G. 2. c. 33. relating to the duty upon offices, it is provided, that in all future assessments to the land-tax, such offices shall not be assessed at an higher rate to the land-tax, than they were in the year 1758.

If a person, having two places of residence, or otherwise, shall be doubly charged for any personal estate, office, or otherwise; then on certificate of two commissioners for the place of his last personal residence, under hand and seal, of the sum charged upon him there, and on oath made of such certificate before a justice of the place where the certificate shall be made, the person so doubly charged shall be discharged elsewhere.

If any person, who ought to be taxed for his personal estate, shall, by changing his place of residence, or by any other fraud, escape from the taxation, and the same be proved before two commissioners or one justice where such person resides, within one year after such tax made, he shall pay treble, to be levied on his lands and goods, on certificate thereof made into the exchequer by such justice or commissioners.

Every person shall be assessed for lands where they lie, and not elsewhere.—And such tax shall be paid by the tenant, who shall deduct it out of his rent: and if any difference shall arise between landlord and tenant, the commissioners, or two of them, shall settle the same.—The tax on foreign ministers' houses shall be paid by the landlord.

Every papist, or reputed papist, being 18 years of age, and upwards, who shall not have taken the oaths of allegiance and supremacy, as directed by 1 W. c. 8. shall pay double; unless he take the said oaths, before two commissioners, in ten days after the first meeting.

Also every person (whether papist or not) being 18 years old and upwards, and not having taken the said oaths, and upon summons under hand and seal of two commissioners, refusing to take them, or neglecting to appear, shall pay double in like manner.

But

But quakers refusing to take the oaths, shall not pay double, if they shall make and subscribe the declaration of fidelity in the act of 1 W. c. 18.

After the charge given, the commissioners shall appoint a day and place for the assessors to appear before them, and to bring in assessments in writing.

The assessor, after he is appointed, neglecting or refusing to serve, or not appearing at the third meeting, without lawful excuse, to be proved on oath of two witnesses, or not performing his duty, shall forfeit to the king any sum not exceeding 40l. to be levied as the rates, and charged to the receiver-general.

The assessors shall deliver two duplicates of the assessment in writing, signed by them, to the commissioners.—And shall then also return the names of two or more able and sufficient persons, living within the places where they shall be chargeable respectively, to be collectors; for whom the parish or place shall be answerable.

Then three or more commissioners shall sign and seal two duplicates of the assessments, and deliver one of them to the collectors (whom they shall nominate and appoint) with warrant to the said collector to collect the same.—And they shall at the same time give notice, at what time and place appeals may be heard and determined: which shall be at least 30 days from the time of signing and sealing and delivering the duplicate to the collectors.

Every collector shall, within ten days after the receipt of the duplicates, cause public notice to be given in every parish church or chapel within his district, immediately after divine service on the Lord's day, of the time and place so appointed by the commissioners for hearing and determining appeals: and shall also, on the same day, cause the like notices to be fixed in writing on the door of such church or chapel.

Every person intending to appeal, shall give notice thereof in writing to one or more assessors, that they may attend, if they think fit, to justify the assessment.—In case of any controversy which concerns any commissioner, such commissioner shall have no voice, but shall withdraw until it be determined; on pain of any sum not exceeding 20l. to be levied and paid as the other fines.—Appeals once heard and determined on the appeal-day shall be final.

The collectors shall make demand of the parties themselves if they can be found, or else at the place of their last abode, or upon the premises charged.—And if any person shall refuse or neglect to pay to the collector on demand, he may levy the same by distress and sale of the goods of the person so neglecting or refusing.—And the distress so taken, may be kept for four days, at the charges of the owner; and if not paid in four days, then the distress shall be appraised by two inhabitants

inhabitants or other sufficient persons, and sold by the collector, returning the overplus immediately, (if any be) over and above the tax, and charge of taking and keeping the distress.—If any difference shall arise upon taking the distress, the same shall be determined and ended by two commissioners.

If any person shall refuse or neglect to pay for ten days after demand, or shall convey his goods away, so that distress cannot be made, he shall be committed (unless he is a peer) by warrant of two commissioners to the common gaol, until payment of the money assessed, and of the charges for bringing in the same.

Arrears may be levied by the present commissioners, in the same manner as the present tax.—And where lands or houses are unoccupied, and no distress can be found thereon, the collectors for the time being may distrain at any time after; and shall distribute the money to those who contributed to make it up.

The collector shall pay the money received to the receiver-general or his deputy, quarterly; but shall not be obliged to travel above ten miles from his usual place of abode.

At every time and place appointed by the commissioners for the collectors to pay the money to the receiver-general, he shall deliver a list of the money received by him, to such person as two or more commissioners shall, under their hands, appoint; on pain of forfeiting a sum not exceeding 20*l.* to be paid into the exchequer, as the fines on assessors and collectors. The collectors shall have 3*d.* in the pound, for collecting and giving receipts, which they may detain out of the last payment.—If the collector shall keep in his hands any part of the money by him collected, longer than the time limited, or shall pay any part of it to any other person than to the receiver-general, or his deputy, he shall forfeit 40*l.*—If any collector shall refuse or neglect to pay any sum by him received, and not pay the same as the act directs, two commissioners may imprison him, and may seize all estates to him belonging, or which shall come to his heirs, executors, or administrators. Which said commissioners may appoint a general meeting of the commissioners, and shall give public notice thereof at least six days before: and the commissioners, at such general meeting, may sell such estates, or any part thereof, for payment.

The commissioners at any general meeting may summon collectors who have fraudulently converted land-tax money to their own use, and cause them to pay the same, to make up the deficiency if there is any in that place; and if there is no deficiency, then to discharge so much of the proportion charged on such place, as that money doth amount to: and if such collector shall neglect or refuse so to pay, the commissioners may imprison him, and seize and sell his estate for payment.—If through wilfulness, neglect, mistake, or accident, the assess-
ment

ment shall not be paid to the receiver-general or his deputy, the same shall be re-assessed upon such division.—If the receiver-general shall return any persons in arrear who have paid, he shall forfeit treble damages to the party, and double the sum unjustly certified, to the king.—No receiver shall return any place in arrear, after three years: but the same shall be a debt on him and his securities.—No receiver-general, or any of his agents, shall maintain an action against the hundred, on account of being robbed in carrying the money; unless they be together in company, and in number three at the least.—The receiver-general, within 20 days after receipt, shall pay the money into the exchequer.—Which if he shall pay otherwise than into the exchequer, or not within the time limited; he shall forfeit 500*l.* to him who shall sue.

The commissioners on or before August 8, or in 20 days after (all appeals being first determined), shall cause to be delivered to the receiver-general, or his deputy, a schedule or duplicate in parchment under their hands and seals, containing the whole sum assessed upon each parish or place; and shall transmit a like schedule or duplicate into the king's remembrancer's office in the exchequer; for which the remembrancer, or his deputy, shall give a receipt gratis, on pain of 10*l.*—The commissioners shall distinguish and set down the gross sum charged in any division for double taxes, that it may be known how much the double taxes amount to in such division.—By the 18 G. 2. c. 18. which requires that no person shall vote in the election of a knight of a shire, for any lands which have not been assessed to the land-tax for 12 calendar months next before, it is enacted, that the commissioners, or three of them, shall sign and seal a duplicate of the copies of the assessments to be delivered to them by the assessors, after all appeals determined, and cause the same to be delivered to the clerk of the peace, to be kept amongst the records, and inspected by any person without fee.

The commissioners' clerks, for their trouble in writing the assessments, duplicates, and copies, and all warrants, orders, and instructions relating thereunto, shall have 1*½d.* in the pound, to be paid by the receiver-general, according to the warrant of two commissioners.

On the death or removal of the commissioners' clerks, such clerks so removed, or the executors or administrators of such clerk dying, shall, within one calendar month after notice in writing signed by three or more commissioners, or a true copy thereof given or left at the usual place of abode of such person or persons, deliver up all books and papers to such person or persons as the said commissioners shall by such notice appoint; on pain of 50*l.* with full costs; half to the receiver-general in aid of the land-tax, and half to him who shall sue.

If any assessor, collector, or other person, shall wilfully neglect or refuse to perform his duty, or shall be guilty of fraud or abuse, three or more commissioners may fine him, not exceeding 40*l.* which shall not be taken off, but by a majority of the commissioners who imposed it: to be levied by warrant of the said commissioners, by distress and sale; in default of distress (if not a peer) to be committed to prison by two commissioners till payment.—And all fines shall be paid to the receiver-general, and paid by him into the exchequer, and shall be inserted in the duplicates to be transmitted into the office of the king's remembrancer.

Larceny.

3 *Inst.* 107.

COMES from *latrocinium*, *latrocinia* and by contraction, or rather abuse, larceny.

1 *Haw.* 89.

Grand larceny is a felonious and fraudulent taking, and carrying away, by any person, of the mere personal goods of another, above the value of 12*d.*

Dalt. c. 154.

A justice of the peace, before whom an offender shall be brought for petty larceny out of sessions, may not punish the said offender by his discretion, and so let him go; but must have him committed or bailed, to the intent he may come to his trial, as in cases of other felonies: and if upon his trial, the jury shall find the goods stolen to exceed 12*d.* in value, the offender shall have judgment to die for the fault.

1 *Haw.* 95.

All petty larceny is felony, and consequently requires the word *feloniously* in an indictment for it; yet it is certain, that it is not punishable with the loss of life or lands, but only with the forfeiture of goods, and whipping, transportation, or other corporal punishment.

Id.

If the goods are taken from a man's person, and if it is attended with putting him in fear, it is called robbery; if it is without putting him in fear, then it is called barely larceny from the person.

If it is done privily without his knowledge, by picking of pockets, or otherwise, it is excluded from the benefit of clergy by the 8 *El. c.* 4. (that is, if the thing stolen be above the value of 12*d.*).

1 *Haw.* 97.

If it is done openly and avowedly before his face, it is within the benefit of clergy, except where it is committed in a dwelling house, or outhouse thereunto belonging, to the value of 40*s.* from which the benefit of clergy is taken away.

3 *W. c.* 9.

Every person that shall feloniously take away any goods, being in a dwelling house, any person being therein, and put in fear, or shall rob any dwelling house in the day time, any person

person being therein; he, his comforters and abettors, shall be guilty of felony without benefit of clergy.

Every person who shall be convicted of feloniously taking away in the day time any money or goods of the value of 5s. from any dwelling house, or outhouse thereunto belonging, and used to and with the same, although no person be therein, shall be guilty of felony without benefit of clergy. 39 El. c. 15.

This requires an actual breaking, and not entering by the doors being open. 1 H. H. 548.

Every person that shall feloniously steal any money, goods, or merchandizes, to the value of 40s. being in any dwelling house, or outhouse thereunto belonging, although it be not broken open, nor any person be therein, shall be guilty of felony without benefit of clergy. 12 An. B. 1 c. 7.

Every person who shall be convicted of breaking any house in the day time, any person being therein, and put in fear, shall be guilty of felony without benefit of clergy. 1 Ed. 6. c. 12.

But it requires not only an actual breaking, and putting in fear, but also an entry with an intent to commit felony, and is so to be laid in the indictment. 1 H. H. 548.

Every person that shall, by night or by day, in any shop, warehouse, coach-house, or stable, privately and feloniously steal any goods, wares, or merchandizes, to the value of 5s. although it be not broken open, nor any person be therein, shall be guilty of felony without benefit of clergy.

Every person who shall apprehend any one guilty of breaking open houses in a felonious manner; or of privately and feloniously stealing goods, wares, or merchandizes, of the value of 5s. in any shop, warehouse, coach-house, or stable, though they be not broken open, and although no person be therein to be put in fear, and shall prosecute him to conviction, shall have a certificate without fee, under the hand of the judge, justice, or justices, before whom such conviction shall be had, certifying such conviction, and within what parish or place the felony was committed, and also that such felon was discovered and taken, or discovered or taken, by the person so discovering or apprehending; which certificate may be divided into shares, if the judges think fit: and the said certificate may be once assigned over, and no more: and the original proprietor, or the assignee of the same, shall, by virtue thereof, be discharged from all manner of parish and ward offices, within the parish or ward where the felony was committed. 10 & 11 W. 4. c. 24.

And on tender of such certificate to the sheriff, and demand made, he shall pay to the person, so entitled, the sum of 40l. without fee, within one month after such tender and demand; on pain of forfeiting double, with treble costs. 5 An. c. 31.

And if any watchman, or other person, be killed in endeavouring to apprehend any such housebreaker, his executors 1d.

tors or administrators shall have a certificate delivered under the hand and seal of the judge, or of the two next justices, of such person being so killed; which certificate they shall, upon sufficient proof before them made, give without fee: whereupon such executor or administrator shall be entitled to receive the like sum of 40l. in like manner.

5 An. c. 31.

And moreover, if any person being out of prison, shall commit any such housebreaking in the day time as aforesaid, and afterwards discover two or more the like offenders, so as they be convicted, he shall have the like reward and allowance of 40l. and also all other advantages which are given to persons who shall apprehend and convict any the like offenders; and shall also have the king's pardon for all burglaries, robberies, and felonies (except murder and treason) by him committed before such discovery made.

5 Ed. 6. c. 9.

Persons found guilty of robbing any person in any booth or tent, in any fair or market, the owner, his wife, children, or servants being within, shall suffer as felons without benefit of clergy.

24 G. 2. c. 45.

All persons who shall feloniously steal any goods, or merchandize of the value of 40s. upon any navigable river, or from off any wharf or quay adjacent, shall be guilty of felony without benefit of clergy.

3 W. c. 9.

If any person shall buy or receive any stolen goods, knowing the same to be stolen, he shall be deemed an accessory after the fact, and suffer accordingly.

5 An. c. 31.

If any person shall buy or receive any stolen goods, knowing them to be stolen, or shall receive, harbour, or conceal any felons or thieves, knowing them to be so, he shall be deemed accessory to the felony, and being convicted on the testimony of one witness, shall suffer death as a felon convict.

4 G. c. 11.

Persons convicted of receiving or buying stolen goods knowing them to be stolen, may be transported for 14 years.

29 G. 2. c. 30.

Every person who shall privately buy or receive any stolen lead, iron, copper, brass, bell-metal, or solder, by suffering any door, window, or shutter to be left open or unfastened, between sun-setting and sun-rising, for that purpose; or shall buy or receive any of the same at any time in any clandestine manner; shall, on conviction by due course of law, although the principal felon hath not been convicted, be transported for 14 years.

And one justice, on complaint on oath by any credible person that there is cause to suspect that stolen lead, iron, copper, brass, bell-metal, or solder, is concealed in any dwelling house, or other place, may, by his warrant, cause such place to be searched in the day time: and if any of the same, suspected to be stolen, shall be found therein, may cause the same, and the person in whose house or other place the same shall be found, to be brought before two justices.

And

And if the person so apprehended, shall not give an account to the satisfaction of such justices, how he came by the same, he shall be adjudged guilty of a misdemeanor, and shall forfeit for the first offence 20s. for the second 4l. and for every subsequent offence 6l. in which case, two justices may cause the said materials to be deposited with the churchwardens or overseers for 30 days, and may order the said churchwardens or overseers, or one of them, in every parish within the bills of mortality, to insert an advertisement in some public paper; and elsewhere cause notice to be given by some public crier, and by fixing, on the church or chapel door, notice describing such materials, and where deposited: and if any person can prove his property thereto, upon oath, to the satisfaction of such two justices, they shall order restitution thereof to the owner, after paying reasonable charges. And if at the end of the 30 days, no person shall prove his property thereto, the same shall be sold for the best price that can reasonably be had; and after deducting the charges, half of the money shall be given to the person apprehending, and half to the poor of the parish where the offence shall be committed, or where the conviction shall be.

And every person to whom any of the same shall be brought and offered to be sold, pawned, or delivered (there being reasonable cause to suspect that the same was stolen) shall apprehend, secure, and carry before a justice (having it in his power so to do) the person so bringing or offering the same, together with the said materials: and if it shall appear upon the oath of one person, notwithstanding he was concerned in stealing the same, to the satisfaction of two justices, that there was reasonable cause to suspect that the same was stolen, and that the person to whom the same was brought or offered did not (having it in his power so to do) apprehend, secure, and carry before a justice, the person who brought or offered the same; then the person to whom the same was brought or offered, shall be adjudged guilty of a misdemeanor; and shall forfeit for the first offence 20s. for the second 40s. and for every subsequent offence 4l. by distress; half to the informer, and half to the overseers, for the use of the poor where the offence was committed (if known), or otherwise, where the conviction shall be. And if no sufficient distress shall be found, then to be committed to the common gaol or other prison for one month for the first offence, for the second, and every subsequent offence, till discharged by order of sessions.

The conviction to be on parchment, and to be certified to the next sessions, and there filed.

If any person who shall offer by way of pawn, pledge, exchange, or sale, any goods, shall not be able, or shall refuse to give a satisfactory account of himself, or of the means by

30 G. 2. c. 21.

30 G. 2. c. 27. which he became possessed thereof, it shall be lawful to seize and detain such person, and the said goods, and to deliver him as soon as conveniently may be, into the custody of the constable or other peace officer, who shall immediately convey such person and the said goods before a justice; and if such justice shall, upon examination and enquiry, have cause to suspect that the said goods were stolen, or illegally or clandestinely obtained, he may commit him to safe custody for any time not exceeding six days, in order to be farther examined: and if, upon either of the said examinations, it shall appear to the satisfaction of such justice, that the said goods were stolen, or illegally or clandestinely obtained, he shall commit the offender to the common gaol or house of correction, there to be dealt with according to law. See PAWN-BROKERS.

Leather.

ALL forfeitures by the act of the 17. c. 22. not hereafter otherwise specially directed, shall be divided, one third to the king, one third to him that shall sue, and one third to the city, town, or lord of the liberty.

9. An. c. 14.

Any two justices near where the forfeitures on the said act shall be incurred, or offence committed, may hear and determine the same; and issue warrants for levying the penalties, and cause the distress to be sold, if not redeemed in six days. And if either party is not satisfied with the judgment, he may appeal to the next sessions.

12 G. 2. c. 25.

If any currier shall refuse to curry any leather brought or sent to him by any person dealing or working in leather, or shall neglect to curry the same in 16 days between Sept. 28, and March 25, and in 8 days in the remaining part of the year, he shall, on conviction before one justice, on the oath of one witness, forfeit any sum not exceeding 5l. by distress; half to the informer, and half to the poor. Persons aggrieved may appeal to the next sessions.

6 G. 3. c. 19.

If any foreign manufactured leather gloves or mitts shall be imported, the same shall be forfeited, and may be searched for and seized by any officer of the customs or excise: and every person importing the same, or aiding therein, or being a vender or retailer of any kind of leather gloves or mitts, in whose possession any such foreign manufactured leather gloves or mitts shall be found; or who shall sell or expose the same to sale; or conceal the same with intent to prevent the forfeiture; shall, over and above the forfeiture of the said goods, and all interest he may have therein, forfeit also 200l. with double costs.

If

If the seizure shall be out of the limits of the bills of mortality, and not exceed the value of 20*l*. two justices may hear and determine the said cause of seizure of the said goods.—Half the produce, arising by the sale, to go to the king; and half to the officer who shall seize and secure the same.

6 G. 3. c. 19.

If any person, in whose possession such goods shall be found (such person not importing or concealing the same), shall discover upon oath, before one justice, the person who sold the same to him, so as such vender may be convicted; he shall be indemnified.

1*d*.

Lecturer.

LECTURERS in churches, unlicensed, and not conforming to the liturgy, shall be disabled, and shall also suffer three months' imprisonment in the common gaol; and two justices (or the mayor in a town corporate) shall, upon certificate from the ordinary, commit them accordingly.

13 & 14 C. 2.
c. 4.

Lewdness.

UPON information given to a constable, that a man and woman are in adultery or fornication together, or that a man and woman of evil report are gone to a suspected house together in the night, the officer may take company with him, and if he find them so, he may carry them before a justice, to find sureties for their good behaviour.

2 Haw. 64.

Libel.

A LIBEL is a malicious defamation of any person, expressed either in printing or writing, signs or pictures, to asperse the reputation of one that is alive, or the memory of one that is dead.

Wood. b. 3. 3.

Licence for Spirituous Liquors.

FROM July 5, 1787, the following additional duties shall be paid on licences for retailing spirituous liquors, viz.

27 G. 3. c. 30.

If

If the rent of the retailer's house, &c. be	£.	s.
under 15l.	2	8
If 15l. and under 20l.	2	16
If 20l. and under 25l.	3	4
If 25l. and under 30l.	3	12
If 30l. and under 40l.	4	0
If 40l. and under 50l.	4	8
If 50l. or upwards.	4	16

27 G. 3. c. 30.

Every person who shall take out such licence, shall immediately pay down one eighth part of the money to be paid for such licence, and shall, at the end of every six weeks, to be reckoned from the time of taking out such licence, pay down another eighth part of the money, till the whole of the money for such licence shall be paid.

If any such licence shall be taken out within the limits of the chief office of excise in London, the same shall be granted under the hands and seals of two or more of the commissioners of excise, or of such person or persons as they, or the major part of them, shall appoint; and the duties shall be paid at the chief office of excise in London; but if not within the said limits, the same shall be granted under the hands and seals of the several collectors and supervisors of excise, within their respective collections and districts; and the said duties shall be paid for the same to the collector of excise within whose collection such licence shall be granted: within the limits of the city of Edinburgh, the same shall be granted under the hands and seals of two or more of the commissioners of excise in Scotland, or of such person or persons as the commissioners of excise in Scotland; or the major part of them, shall appoint; and the several duties for the same shall be paid at the chief office of excise in Edinburgh; or if any such licence shall be taken out in Scotland without the said limits of Edinburgh, then the same shall be granted under the hands and seals of the several collectors and supervisors of excise in Scotland, within their respective collections and districts; and the several duties for the same shall be paid to the collector of excise within whose collection such licence shall be so granted; and such commissioners of excise, or two or more of them, are hereby authorised and required to grant such licences to the persons who shall apply for the same, upon payment of one eighth part of the money hereby directed to be paid for the same.

No person shall retail any distilled spirituous liquors or strong waters, unless such person or persons shall take out a fresh licence ten days at least before the expiration of twelve months from the time of taking out such former licence: if any person or persons shall, after the said fifth day of July, one thousand seven hundred and eighty seven, retail any distilled spirituous liquors or strong waters, without first taking out such licence, and renewing the same yearly; or if default shall be made

made in payment of any sum or sums of money hereby directed to be paid for any such licence, the person or persons so offending shall, for every such offence, forfeit the sum of 100*l.* 27 G. 3. c. 30.

One licence shall be deemed sufficient for a partnership in one house, but no such licence shall authorise the sale of liquors in any other house than the one for which it was granted.

The duties imposed by this act are to be under the management of the commissioners of excise in England and Scotland respectively; and all the powers of any acts now in force, relating to the revenues of excise, are to extend to this act.

The penalties of this act are to be recovered as those by other laws of excise; and one moiety shall be paid to his majesty, and the other to the informer who shall sue for the same.

The money arising from the duties here imposed is to be paid into the exchequer, and carried to the consolidated fund.

Any action or suit against any person or persons, in pursuance of this act, shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county: and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuited, or discontinue the action or prosecution, or judgment shall be given against him or her, then such defendant shall have treble costs awarded against such plaintiff.

Linen Cloth.

ANY person, native or foreigner, may, without paying 15 C. 2. c. 15.
any thing, in any place privileged or unprivileged, corporate or not corporate, set up and exercise the occupation of making or whitening of thread; as also of spinning, weaving, making, whitening, or bleaching any cloth made of hemp or flax only.—And all foreigners that shall use any the trades aforesaid three years, shall (taking the oaths of allegiance and supremacy before two justices near unto their dwellings) enjoy all privileges as natural born subjects.

If any person shall do any act with any linen cloth, whereby it shall be made worse, the said cloth shall be forfeited, and the offender punished by one month's imprisonment at the least, and pay such fines as the justices shall assess.—And the judges of assize, and justices of the peace, or three of them, (4 R.) may hear and determine the same in their sessions, by information, indictment, or upon the traverse of any presentment or indictment found before them.—And if any person shall

shall seize any such deceitful linen cloth, he shall, at the next sessions, or before two justices (1 Q.) make due information of the offence and of the seizure, or else shall procure the offender to be indicted at the next sessions; and shall also be bound by recognizance or obligation to pursue the same with effect, and to pay the moiety of what he shall recover, to the sheriff or other accountant to the use of the king; and the other half shall go to the informer or prosecutor.—And the justices, before whom the offence shall be tried, shall certify the same by estreat into the exchequer yearly at Michaelmas, as they do other estreats.

17 G. 2. c. 30.

If any person shall affix counterfeit stamps on cloth, he shall forfeit 5*l.* for each piece: and if any person shall expose, or pack up for sale, any such linens, knowing them to be so stamped, he shall forfeit the same, and also 5*l.* for each piece.

Id.

And one justice may convict the offender on the oath of one witness, and may grant his warrant for distress and sale; and for want of sufficient distress, on oath by the person executing the warrant, may commit him to gaol for six months, unless it be paid sooner: which penalty shall go to the informer, deducting 2*s.* in the pound to be paid to the constable who shall execute the warrant.

18 G. 2. c. 27.

Whoever shall steal any linen, callico, cotton, fustian, &c. exposed to be whitened, bleached, &c. to the value of ten shillings; or shall aid or hire any other to commit such offences; or who shall buy or receive such goods knowing them to be stolen, shall be declared, on being lawfully convicted, guilty of felony, and shall suffer death.

18 G. 2. c. 36.

No person shall wear any cambrick or French lawn, on pain of 5*l.* to be paid to the informer, on conviction by oath of one witness before one justice; who shall, on information on oath in six days after the offence is committed, summon the party, and on his appearance, or contempt, proceed to examine the matter, and on due proof thereof made, either by confession or oath of one witness, hear and determine the same, and cause the penalty to be levied by distress. The party aggrieved may appeal to the next sessions, giving six days notice.

Id.

But if the wearer shall, on oath before a justice, discover the seller, he shall be discharged, and the seller only shall be liable.

Printed Linens, &c.

25 G. 3. c. 72.

UPON oath made by any credible person or persons, that he, she, or they have reason to suspect or believe that any linens,

linens, or stuffs made of cotton mixed with other materials, or stuffs wholly made of cotton wool, wove in Great Britain, or British muslins, or fustians, velvets, velvets, dimities, or other figured stuffs, made of cotton and other materials mixed, or wholly made of cotton wool, wove in Great Britain, or foreign calicoes, foreign muslins called cossaes, or other foreign muslins, printed, stained, painted, or dyed in Great Britain, for which a duty ought to have been paid or charged by this act, are or shall be in the custody or possession of any draper, or other person or persons trading or dealing therein, or of any person or persons for the use or account of such draper, or other trader or dealer, for sale, without having thereupon such stamps or seals as are by this act required to denote the payment or charging the said duties thereupon; the respective commissioners of excise, or any two of them, within their respective limits, or any two justices of the peace in any other parts of Great Britain, from time to time may issue their respective warrants or orders, authorizing and requiring any officer or officers of excise, with the assistance of a constable, or other officer of the peace, in the day time, to search for the same, and to open doors, chests, &c. and to seize such linens, or stuffs described as above, and to bring them to the excise office next to the place where they shall be seized, and every such warrant shall be obeyed and executed accordingly; and such commodities aforesaid, so found unstamped in the possession of such draper, trader or dealer, for sale, or other person for the use of such draper, trader or dealer, for sale, shall be forfeited.

All stuffs wholly made of cotton wool, commonly called or known by the name of calicoes, that have not three blue threads in each selvage, as directed by 14 G. 3. c. 72. shall be deemed to be foreign calicoes, and on their being printed, stained, painted, or dyed in Great Britain, shall be stamped with the following words, viz. *foreign calicoes for exportation*; drapers, &c. having in their possession such foreign calicoes unstamped, &c. or stuffs called British manufactory, without the blue threads in the selvages, shall not only forfeit and lose the said goods, or the value thereof, but shall likewise forfeit and lose the sum of two hundred pounds for every piece of such goods found in their custody or possession.

Every piece of stuff shall be marked before it is printed, &c. 13. in words at length, with the name and place of abode of the owner or printer, and also the name of the goods which they are commonly called or known by, on pain of forfeiting the said goods, and the sum of ten pounds for every piece or remnant of such goods that shall be printed, stained, painted, or dyed, (except those that are dyed throughout of one colour only), without being so marked.

Linen Cloth.

Linens, or stuffs, which are by this act made subject to a duty of one penny halfpenny per yard square, shall be marked at both ends with the name of the owner or printer, and quality of the goods, with the ready money price or value thereof, before the same shall be presented to the officer appointed to take an account thereof, to be printed, stained, painted, or dyed; and in case the owner is not the printer, he shall deliver a note to the printer, expressing the number of pieces, their quality and value as aforesaid, and the time when delivered to the printer; which note the said printer shall deliver to the officer who is to take an account of the said linens and stuffs, before the same shall be printed, stained, painted, or dyed, (except those that are to be dyed throughout of one colour only), on pain that every piece or remnant not so marked shall be forfeited, and the owner, or other person putting out or sending such piece not so marked, shall forfeit the sum of twenty pounds: every printer, &c. being the owner, who shall print, stain, paint, or dye, any of the said linens or stuffs, (except such as shall be dyed throughout of one colour only), shall mark each piece or remnant, at both ends, with words at length, containing his or her name and place of abode, and also the name of the goods, with the ready money price or value thereof; on pain to forfeit the sum of twenty pounds for every neglect, and also the said linens and stuffs not so marked, which may be seized by any officer of excise; and in case such owner, or other person, so putting out or sending any such linens or stuffs to be printed, stained, painted, or dyed, as aforesaid, if any such printer, stainer, painter, or dyer, shall mark any piece or remnant of such linens or stuffs at a price less than the real value, or ready money price, every such piece or remnant shall be forfeited, and may be seized by any officer of excise, and the owner thereof shall forfeit the sum of twenty pounds for every such offence.

If any person shall counterfeit or forge any frame-mark, to defraud his majesty of the duties, every person so offending shall, for every such offence, forfeit the sum of one hundred pounds.

The provisions of this act shall extend to the duties imposed upon silks, &c. of British manufactory, by 10 *Ann. c. 19*; 12 *Ann. c. 9*; and 14 *G. 3. c. 72*.

Two or more commissioners of excise, or two or more justices respectively, being satisfied that the duties imposed by this act have been charged thereupon, may order the collector of the duties by this act granted, to pay, out of the money in his hands arising by the said duties, unto such printer, stainer, painter, or dyer, or such owner, so much money as the duties paid upon the bleaching the same stuffs, or stuffs made of cotton as aforesaid, amount unto; and if the said collector shall not have money sufficient in his hands to pay the same, the

the commissioners shall cause the same to be paid out of any monies arising by the said duties by this act granted.

Any person or persons who shall have paid all his majesty's duties by this or any former act payable for any such linens, or stuffs, &c. wove in Great Britain, or foreign calicoes, or foreign muslins, or coffaes, printed, stained, painted, or dyed in Great Britain, or any person or persons who shall buy or be lawfully intitled to any such commodities aforesaid, printed, stained, painted, or dyed in Great Britain, from the person or persons who actually paid his majesty's said duties, may export from any lawful quays, and in the lawful hours, any such commodities for which the duties shall have been paid, to any foreign parts; the person or persons, so intending to export any such commodities, giving twelve hours' notice in writing, within the limits of the chief office of excise in London, and twenty-four hours' notice in other places in Great Britain, of his intention to pack up, in order to be exported, any such commodities, and of the time and place when and where he will pack up the same, to the officer or officers of excise; and such officer or officers shall take care to measure the said goods, and to see that the seals or stamps, denoting the payment of the duties upon such goods, and also the frame-marks upon the same, be taken off from both ends of every piece so intended to be exported, (except as hereinafter is excepted); and every such piece shall be packed up in the presence of such officer or officers, who shall take an account of the kinds and quantities of the commodities aforesaid so intended to be exported, and make a return thereof to the officer who shall be appointed by such commissioners to receive the same at the port of exportation, without any fee or reward for so doing. 14 G. 3. c. 72.

No linens, &c. shall be packed up for exportation, without the officers taking off the seals or stamps, denoting the payment of the duties, together with the frame-mark; and security shall be given for their exportation, in treble the value of the goods; and an oath shall be made that the duties have been paid, &c. and that the goods are the same that are described in the account sent by the officer, in whose presence they were packed, to the officer attending the shipping, which officer shall, within one month after the exportation, give to the exporter a certificate expressing the quantities and kinds of such goods so shipped, and that all the duties are paid for the same, and that security hath been given before the shipping the same for the due exporting the same; and such certificate being produced to the collector of the port where the same goods are exported, he shall forthwith pay or allow to the persons so exporting the same, or their agents, a drawback of all the duties before paid for such goods so exported; and if such collector shall not have money in his hands to pay the same, E e 2

same, then the respective commissioners of excise in Great Britain are required to pay the said drawback or allowance out of the duties upon linens or stuffs printed, stained, painted, or dyed, in Great Britain, arising by this or either of the said former acts.

14 G. 3. c. 72.

All the monies arising by the duties by this act granted shall, from time to time, be paid into the receipt of his majesty's exchequer.

All the powers, penalties, &c. contained in 12 C. 2. c. 24. or any other law relating to excise duties, for collecting and recovering the duties thereby granted, shall be applied in executing this act.

All fines, penalties, and forfeitures, respecting the inland duties imposed by this act, shall be sued for in any of his majesty's courts of record at Westminster, or in the court of exchequer in Scotland respectively; one moiety shall be to his majesty, and the other to him or them who shall discover, inform, or sue for the same.

From August 1, 1785, the old duties on all stuffs made of, or mixed with cotton, not printed, stained, or dyed in foreign parts, which shall be imported, shall cease.

If any action or suit shall be brought or commenced against any person or persons, for any thing by him or them done in pursuance of this act, such action or suit shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county.

Lord's Day.

2 El. c. 2.

ALL persons, not having a reasonable excuse, shall resort to their parish church or chapel (or to some congregation of religious worship allowed by the toleration act) on every Sunday, on pain of punishment by the censures of the church, and of forfeiting 1s. to the poor for every offence.—

3 J. c. 4.

To be levied by the churchwardens by distress, by warrant of one justice.

1 J. c. 22.

No shoemaker shall shew, to the intent to put to sale, any shoes, boots, &c. upon a Sunday, on pain of 3s. 4d. a pair, and the value thereof; to be recovered at the assizes sessions, or leet; one third to the king, one third to him who shall sue, and one third to the town or lord of the leet.

3 C. 2. c. 1.

No carrier with any horse or horses, nor waggonmen with any waggon or waggons, nor carmen with any cart or carts, nor wainmen with any wain or wains, nor drovers with any cattle, shall by themselves, or any other, travel on the Lord's day, on pain of 20s. or if any butcher, by himself, or any other

other for him, with his privity and consent, shall kill or sell any victuals on the Lord's day, he shall forfeit 6s. 8d. The conviction to be in six months, before one justice, or mayor, on view, or confession, or oath of two witnesses; to be levied by the constable or churchwarden, by distress; or to be recovered in any court of record, in any city or town corporate, before the justices in sessions; to be applied to the use of the poor, except that the justice may reward the informer or prosecutor with part of the forfeiture, not exceeding one third part. This act continued in force one year; but was enforced as follows:

No drover, horse-courser, waggoner, butcher, higler, or any of their servants, shall travel, or come to his inn or lodging on the Lord's day, on pain of 20s. No tradesman, artificer, workman, labourer, or other person, shall do or exercise any worldly labour, business, or work of their ordinary calling on the Lord's day (except works of necessity and charity) on pain of every offender, above 14 years of age, forfeiting 5s. No person shall publicly cry, shew forth, or expose to sale, any wares, merchandizes, fruit, herbs, goods, or chattels whatsoever, on the Lord's day, (except crying and selling of milk, before nine in the morning and after four in the afternoon; and except mackarel, which may be sold on Sundays, before or after divine service), on pain of forfeiting the same. No person shall use, employ, or travel on the Lord's day, with any boat, wherry, lighter, or barge, (unless allowed by a justice of the peace, on extraordinary occasions; and except 40 watermen, who may ply on the Thames on Sunday betwixt Vauxhall and Limehouse) on pain of 5s. And if any person offending in any of the premises, shall thereof be convicted in ten days after the offence, before one justice, on view, or confession, or oath of one witness, the justice shall give warrant to the constables or churchwardens, to seize the goods cried, shewed forth, or put to sale, and to sell the same; and to levy the other forfeitures by distress; to the use of the poor, except that the justice may, out of the same, reward the informer with any sum not exceeding one third part. And, for want of distress, the offender shall be set publicly in the stocks for two hours.

Fish carriages are exempted.

If any person shall, on a Sunday, take, kill, or destroy, or use any gun, dog, snare, net, or other engine for taking, killing, or destroying, any hare, pheasant, partridge, moor-game, heath-game, or grouse; he shall, on conviction on the oath of one witness before one justice, forfeit for the first offence, not exceeding 20l. nor less than 10l.—for the second offence, not exceeding 30l. nor less than 20l.—for the third, and every other offence, 50l. to be recovered upon indictment at the sessions.

29 Car. 2. c. 7.

11 & 12 W. c.
21.

2 G. 3. c. 16.
13 G. 3. c. 20.

29 C. 2. c. 7.

No person upon the Lord's day, shall serve or execute any writ, process, warrant, order, judgment, or decree (except in cases of treason, felony, or breach of the peace) but the service thereof shall be void; and the person serving the same shall be as liable to answer damages to the party grieved, as if he had done the same without any writ, process, warrant, order, judgment, or decree.

Id.

No hundred shall be answerable for any robbery on the Lord's day: nevertheless the inhabitants shall make hue and cry after the offenders, as on any other day.

21 G. 3. c. 49.

Any house, &c. opened for public amusement or debate, on a Sunday, to which persons shall be admitted by payment of money, or by tickets sold for money, shall be deemed a disorderly house, and the keeper thereof shall forfeit 200*l.* for every such day that such house shall be used as aforesaid.—The president, for every such offence, shall forfeit the sum of 200*l.* to such person as will sue for the same; and every servant or other person, who shall deliver out, or receive money or tickets for admitting persons on the Lord's day, shall also forfeit the sum of 50*l.* to such person as shall sue for the same.

Any person advertising any public amusement for the Lord's day, to which persons are to be admitted by money or tickets, and any person printing or publishing any such advertisement, shall respectively forfeit the sum of 50*l.* for every offence, either of the aforesaid forfeitures to be sued for by action of debt, within six calendar months.

Lunaticks.

17 G. 2. c. 5.

IT shall be lawful for two or more justices, where a lunatick or mad person shall be found, by warrant directed to the constables, churchwardens, and overseers of the place, or some of them, to cause such person to be apprehended, and kept safely locked up in some secure place, within the county or precinct, as such justices shall, under their hands and seals, direct and appoint, and (if such justices find it necessary) to be there chained, if the settlement of such person shall be within such county or precinct.—And if such settlement shall not be there, then such person shall be sent to his settlement by a vagrant pass (*mutatis mutandis*); and shall be locked up or chained by warrant of two justices of the county or precinct, to which such person is so sent, in manner aforesaid.

Id.

And the reasonable charges shall be paid (such charges being first proved upon oath) by order of two justices, directing the churchwardens or overseers, where any goods, chattels, lands, or tenements of such person shall be, to seize and sell

so much of the goods and chattels, or receive so much of the annual rents of the lands, as is necessary to pay the same; and to account for what is so seized, sold, or received, to the next quarter-sessions: but if such person hath not an estate to satisfy the same, over and above what shall be sufficient to maintain his family, then such charges shall be paid by the parish, town, or place to which such person belongs, by order of two justices, directed to the churchwardens or overseers for that purpose.

Any person aggrieved, by any act of such justices out of sessions, may appeal to the next sessions, giving reasonable notice; whose order therein shall be final.

No person, on pain of 500*l.* shall entertain or confine, in any house kept for the reception of lunaticks, more than one lunatick at one time, without a licence to be granted yearly by the college of physicians within London and Westminster and seven miles thereof, and within the county of Middlesex, and elsewhere by the justices in sessions. 19 G. 3. c. 15.

Madder.

IF any person shall steal and take away, or wilfully and maliciously pull up or destroy any madder roots, and shall be convicted thereof before one justice, by confession, or oath of one witness, he shall, for the first offence, pay to the owner such satisfaction for damages, and in such time as the justice shall appoint, and moreover shall pay down, upon conviction to the overseer for the use of the poor, such sum, not exceeding 10*s.* as to the justice shall seem meet; and if he shall not make such recompence, and also pay such sum to the use of the poor, the said justice shall commit him to the house of correction for any space not exceeding one month, or may order him to be whipped by the constable or other officer, as to the said justice shall seem meet; and for the second offence, shall by such justice be committed to the house of correction for three months. Prosecution to be commenced within thirty days. 31 G. 2. c. 35.

Maim.

IF any person shall maliciously cut off or disable any limb or member of any subject, with intention to maim or disfigure him, the person so offending shall be guilty of felony without benefit of clergy; but not to work corruption of blood. 21 & 23 C. 2. c. 1.

Maintenance.

Maintenance.

1 Haw. 249.

MAINTENANCE (*manu tenere*) is an unlawful taking in hand or upholding of quarrels or suits, to the disturbance or hindrance of common right.

1 Ed. 3. *ft.* 2.
c. 14.

No person shall take upon him to maintain quarrels, nor parties in the country, to the disturbance of the common law.

Embracery is a Species of Maintenance.

1 Haw. 259.

ANY attempt whatsoever to corrupt, or influence, or instruct a jury, or any way to incline them to be more favourable to the one side than to the other, by money, promises, letters, threats, or persuasions, is a proper act of embracery.

32 H. 3. c. 9.

No person shall embrace any jurors on pain of 10*l.* half to the king, and half to him that shall sue within a year.

31 Ed. 3. *ft.* 1.

If any juror shall take any thing to give his verdict, both he, and the embracer, shall forfeit ten times as much, half to the king, and half to him that shall sue.

Militia.

26 G. 3. c. 107.

THE lieutenants of counties, appointed by his Majesty, are required to call out the militia once in every year, and appoint deputies and officers, properly qualified, to train and discipline them. They shall certify to his Majesty the names and ranks of all such officers so appointed; and in case his Majesty shall, within fourteen days, signify his disapprobation of any of the persons so appointed, it shall not be lawful for the said lieutenants to grant a commission to any person so disapproved, but commissions shall be granted to all such persons so appointed, who shall not be disapproved by his Majesty; and the officers so appointed for the militia shall rank with the officers of such of his Majesty's forces as are liable to serve out of Great Britain, as youngest of their rank.

Three deputy lieutenants may act, when the lieutenant is out of the kingdom.

No commission of any officer in the militia, granted by any lieutenant or deputy lieutenants, shall be vacated by the revocation, expiration, or discontinuance of the commission by which

which any such lieutenant, or deputy lieutenants, was or were appointed. 26 G. 3. c. 107.

The lieutenant of the county shall have the chief command of the militia of his county, and appoint 20 deputies, if so many properly qualified can be found within the county, &c. *i. e.* having an estate of 200l. per ann. or being heirs to 400l. per ann. then as many persons, so qualified, as can be found within such county, &c. shall be appointed to be deputy-lieutenants for the purposes of this act.

And every person to be appointed a colonel shall be possessed of an estate of 1000l. per annum, or shall be heir-apparent of a like estate of 2000l. per annum. A lieutenant-colonel shall have an estate of 600l. per annum, or be heir-apparent to 1200l. per annum. A major or captain shall be possessed of an estate of 200l. per annum, or be heir-apparent to 400l. per annum, or the younger son of a person who has or had at his death 600l. per annum. Every lieutenant shall have an estate of 50l. per annum, or a personal estate of 1000l. or in real and personal estate be worth 2000l. or shall be son of some person possessed of an estate of 100l. per annum, or worth at his death 2000l. in personal estate alone, or in real and personal estate together 3000l. Every ensign shall have an estate of 20l. per annum, or a personal estate of 500l. or in real and personal estate 1000l. or shall be the son of a person having 50l. per annum, or 1000l. personal, or in real and personal estate together 1500l. one half of every such respective estate to be in the county in which they shall be appointed to serve.

Within the counties of Cumberland, Huntingdon, Monmouth, Westmoreland, and Rutland, and within every county and place in the dominion of Wales, the qualification shall be for a deputy lieutenant 150l. per annum, or an inheritance of 300l. per annum. A colonel 600l. per annum, or an inheritance of 1200l. per annum. A lieutenant colonel 400l. per annum, or be heir to 800l. per annum. A major or captain shall have 150l. per annum, or be heir to 300l. per annum. A lieutenant shall have 30l. per annum, or a personal estate of 600l. or in real and personal estate together 1200l. or be heir to 60l. per annum, or to a person having 1200l. personal estate, or 2400l. in real and personal estate together. An ensign shall have 20l. per annum, or 300l. personal estate, or 600l. in real or personal estate together, or be heir to some person having an estate of 30l. per annum, or 600l. personal estate, or 1200l. in real and personal estate together: of all which respective estates (except those for the qualifications of lieutenants and ensigns), one moiety shall be situate within the counties or divisions in which such officers shall be respectively appointed to serve.

In the Isle of Ely a deputy lieutenant shall have 150l. per annum, or be heir to 300l. per annum: a captain 100l. per annum,

26 G. 3. c. 107. annum, or be heir to 200l. per annum, or the younger son of some person having 300l. per annum. A lieutenant 30l. per annum, or 600l. in personal estate, or be heir to 60l. per annum, or to a personal estate of 1200l. An ensign 20l. or 300l. personal estate, or be heir to 30l. per annum, or to a personal estate of 600l.: of all which estates (except those for the qualifications of lieutenants and ensigns) one moiety shall be situate or arising within the said Isle of Ely, or some other part of the county of Cambridge.

In all cities and towns, which are counties within themselves, the lieutenants of every such city or town, or, where there is no lieutenant, the chief magistrate shall appoint the deputy lieutenants within such city or town, and also officers of the militia, whose number and rank shall be proportionable to the number of militia-men which such city or town shall raise, as their quota towards the militia of the county to which such city or town is united; and all provisions made by this act, with respect to counties, shall take place with respect to the said cities and towns, and the militia thereof; every deputy lieutenant in such cities and towns shall have 150l. per annum, or 3000l. real and personal estate together: and every field officer 300l. per annum, or 5000l. real and personal estate together: a captain 150l. per annum, or 2500l. in real and personal estate together: a lieutenant shall have 30l. per annum, or 750l. in personal estate alone: an ensign 20l. per annum, or 400l. personal estate; one moiety to be situated within such city or town, or within the county to which such city or town is united.

Leases on lives of 300l. per annum, are to be deemed equal to a qualification, as herein-before specified, of 100l. per annum, and so proportionally.

Estates granted for 20 years or more, of an annual value equal to the value of the estates herein required for qualifications, are to be deemed qualifications.

No commission superior to a lieutenant shall be granted till the qualification is delivered in to the clerk of the peace, or his deputy, who shall transmit to the lieutenant of the county, riding, or place, a copy of such description; and it shall be declared in the commission, that the officer to whom the commission is given hath delivered in his qualification.

All commissions already granted shall be void unless qualifications are delivered in before January 1, 1787, of which the clerk of the peace, or his deputy, shall forthwith transmit a true copy to the lieutenant, or deputy lieutenants.

Qualifications, &c. are to be inserted in the Gazette; and lists to be annually laid, by the secretary of state, before parliament. Deputy lieutenants, &c. are to take the oaths within six months after their appointment, at some general quarter

quarter sessions of the peace, or in one of his majesty's courts of record at Westminster. 26 G. 3. c. 107.

Persons acting, who are unqualified, or who have not delivered in their qualifications, shall forfeit and pay the sum of 100l. one moiety to the use of the person who shall sue for the same; the proof of his qualification to lie upon the person against whom the same is brought.

Peers, or their heir-apparent, may act, though not possessed of the qualifications aforesaid.

The lieutenant of any county, riding, or place, with three or more deputy lieutenants, or, in his absence, any five or more deputy lieutenants, may, at the end of every five years, in case the militia shall not be then embodied, discharge some one field officer of each regiment or battalion, and such a number of officers of each inferior rank, as shall be equal to the number of persons who shall have given notice, that they are willing to serve, so that the number of vacancies shall not exceed one third of such officers who shall have served for five years.

Inferior officers, if duly qualified, may serve in higher ranks.

County lieutenants, and deputies, may appoint clerks for their meetings, or displace them if they think fit, and choose others in their room.

The number of private men to be raised, by virtue of this act, shall be as follows; (that is to say:)

For the county of Bedford,	400
For the county of Berks,	560
For the county of Bucks,	560
For the county of Cambridge,	480
For the county of Chester, with the city and county of the city of Chester,	560
For the county of Cornwall,	640
For the county of Cumberland,	320
For the county of Derby,	560
For the county of Devon, with the city and county of the city of Exeter,	1600
For the county of Dorset, with the town and county of Pool,	640
For the county of Durham,	400
For the county of Essex,	960
For the county of Gloucester, with the city and county of the city of Gloucester, and the city and county of the city of Bristol,	960
For the county of Hereford,	480
For the county of Hertford,	560
For the county of Huntingdon,	320
For the county of Kent, with the city and county of the city of Canterbury,	960

25 G. 3. c. 107.	For the county of Lancaster,	800
	For the county of Leicester,	560
	For the county of Lincoln, with the city and county of the city of Lincoln,	1200
	For the county of Middlesex, (exclusive of the tower di- vision, commonly called the tower hamlets),	1600
	For the county of Monmouth,	240
	For the county of Norfolk, with the city and county of Norwich,	960
	For the county of Northampton,	640
	For the county of Northumberland, with the town and county of the town of Newcastle upon Tyne, and the town of Berwick upon Tweed,	560
	For the county of Nottingham, with the town and county of the town of Nottingham,	480
	For the county of Oxford,	560
	For the county of Rutland,	120
	For the county of Salop,	640
	For the county of Somerset,	840
	For the county of Southampton, with the town and county of the town of Southampton,	960
	For the county of Stafford, with the city and county of the city of Lichfield,	560
	For the county of Suffolk,	960
	For the county of Surrey,	800
	For the county of Sussex,	800
	For the county of Warwick, with the city and county of the city of Coventry,	640
	For the county of Westmorland,	240
	For the county of Worcester, with the city and county of the city of Worcester,	560
	For the county of Wilts,	800
	For the west riding of the county of York, with the city and county of the city of York,	1240
	For the north riding of the said county,	720
	And for the east riding of the said county, with the town and county of the town of Kingston upon Hull,	400
	For the county of Anglesea,	80
	For the county of Brecknock,	160
	For the county of Cardigan,	120
	For the county of Carmarthen, with the county borough of Carmarthen,	200
	For the county of Carnarvon,	180
	For the county of Denbigh,	280
	For the county of Flint,	120
	For the county of Glamorgan,	360
	For the county of Merioneth,	80
	For the county of Montgomery,	240
	For	

For the county of Pembroke, with the town and county of the town of Haverfordwest, 166
And for the county of Radnor, 160

General meetings shall consist of the lieutenant, with two deputy lieutenants, or, of three deputy lieutenants, such general meeting to be holden upon the last Tuesday before the 24th of October in every year; the lieutenant with any two deputy lieutenants, or, any three deputy lieutenants, may summon other general meetings, of which notice shall be given in the London Gazette, and also in any weekly newspaper usually circulated in such county, &c. 14 days at the least before the days appointed for holding such meetings respectively; and in case such meeting shall not be attended by the lieutenant and two deputy lieutenants, or by three deputy lieutenants; the lieutenant, or any one deputy lieutenant, who shall attend at such meeting, shall and may adjourn the same; and in case no deputy lieutenant shall attend at the time and place appointed for the next meeting, then the clerk of the general meetings, or his deputy, shall adjourn such meeting to any other time, to be holden at the same place.

The subdivision meetings shall consist of two deputy lieutenants at the least; but where two deputy lieutenants do not attend, any one deputy lieutenant, with any one justice of the peace of the county, &c. within which such subdivision lies, may do all acts, directed to be done by deputy lieutenants at their meetings; which acts shall be valid.

The clerk shall give notice of subdivision meetings to the deputy lieutenants, &c. and also to the commanding officers of the regiment, battalion, &c. if on actual service, or (if not on actual service) to the colonel thereof, or (in case of the absence of the colonel from Great Britain) to the next commanding officer within Great Britain, and shall send an account of the several days fixed for receiving lists, and for balloting and in-rolling the militia men within such subdivision; and shall, as soon as the militia men are inrolled, transmit to the colonel or commanding officer a list specifying the names, trades, and usual places of abode, of all such militia men as are inrolled, and where there are substitutes, the names, trades, and places of abode of the persons in the room of whom they were inrolled as substitutes.

When a sufficient number do not attend, another meeting shall be appointed within 14 days, notice being given five days at the least previous to such meeting.

The first meetings of the deputy lieutenants shall be held as early after the 24th day of October in every year, as conveniently may be; and they may appoint a second general meeting, and shall require the chief constable or other officer as aforesaid, to issue an order to all constables, &c. to return fair and true lists of the names of all men within their respective parishes, &c.

26 G. 3. c. 107.

&c. between the ages of 18 and 45 years, distinguishing their respective ranks and occupations, and also which of the persons so returned labour under any infirmity likely to incapacitate them from serving as militia men. Copies of such lists are to be affixed on the church door, on some Sunday morning, three days at the least before the said meeting, and also notice, at the bottom of the said list, of the day and place of such meeting. Constables are to verify the returns upon oath.

Subdivision meetings may amend lists, and make returns to the clerk of the general meetings.

General meetings may alter the appointed subdivisions.

Deputy lieutenants may appoint what number of men shall serve for each parish, &c. who are to be balloted for.

Persons chosen by ballot are to take the following oath:

I A. B. do sincerely promise and swear, that I will be faithful and bear true allegiance to his Majesty King George; and I do swear, that I am a protestant, and that I will faithfully serve in the militia, within the kingdom of Great Britain, for the defence of the same, during the time of five years for which I am inrolled, unless I shall be sooner discharged.

And every such person shall be inrolled (in a roll to be then and there prepared for that purpose) to serve in the militia, for the space of five years.

Persons chosen may find substitutes, who are then to be inrolled and sworn, if having not more than one child, and approved by the deputy lieutenants; and such substitute shall take the following oath:

I A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to his Majesty King George; and I do swear that I am a protestant, and that I will faithfully serve in the militia, within the kingdom of Great Britain, for the defence of the same during the time of five years, or for such further time as the militia shall remain embodied, if, within the space of five years, his Majesty shall order and direct the militia to be drawn out and embodied, unless I shall be sooner discharged.

Any person chosen by ballot, for whom such substitute shall have been so inrolled and sworn, shall be exempt from service, as if he himself had served.

If the full number are not inrolled, a fresh ballot is to be taken.

One deputy lieutenant may administer the oath.

Persons chosen and not appearing (except quakers) shall forfeit 10l.

If the penalty be not paid, the person shall be compelled to serve, and at the expiration of five years shall be liable to serve again, or provide a substitute; and shall be subject to the same punishments, for absconding or deserting, as if he had been duly sworn and inrolled as a militia man.

Persons

Persons exempted from serving are Peers, officers in the army, or in any castle or fort, and private men in the army; commissioned officers serving, or having served four years in the militia, members of both universities, clergymen, licensed teachers of any separate congregation, constables, &c. articulated clerks, apprentices, seamen, men employed in his Majesty's dock-yards, or persons employed in the Tower, at Woolwich warren, in the gun-wharfs at Portsmouth, or at his Majesty's powder mills, magazines, and other storehouses, persons free of the watermen's company, and poor persons having more than one child born in wedlock. No person who has served personally or by substitute shall be obliged to serve again till it comes to his turn; but a substitute, if chosen by ballot, shall be obliged to serve again, so as to make the choice of militia men by ballot within every subdivision as equal and impartial as possible. 26 G. 3. c. 107.

Lists for two places may be added together.

If any list shall be lost or destroyed, the deputy lieutenants, or any two or more of them, shall cause a new list to be made and returned to them at their next subdivision meeting.

If any such constable, or other officers, shall refuse or neglect to appear according to the order or warrant of any two or more deputy lieutenants, or to comply with their orders and directions, or shall, in making such return, be guilty of any fraud or wilful partiality, or gross neglect in his duty, the said deputy lieutenants, or any two or more of them, are required to commit the person so offending to the common gaol, there to be kept, without bail or mainprize, for one month, or, at their discretion, to fine such person not exceeding 5l. nor less than 40s.

Any person who shall endeavour to prevail on any chief constable, constable, or other officer, to make a false return of any list, or leave out of any such list the name of any person who ought to be returned to serve as a militia man, shall, for every such offence, forfeit and pay the sum of 50l.; and if any person shall refuse to tell his christian and surname, or shall falsely tell it, or shall refuse to tell the christian or surname of any man lodging within his or her house, or shall knowingly tell any false name, to any constable, or other officer authorized to demand the same, every such person shall forfeit the sum of 10l.

Every person, chosen by ballot to serve in the militia, shall be liable to such service, although he may have removed from the place where his name was inserted in the list; every person liable to serve in the militia, having more than one place of residence, shall serve for the county, riding, or place where his name shall have been first inserted in such list.

Where any parish shall lie in two or more counties, that parish shall be deemed belonging to the county wherein the church is situate.

If

26 G. 3. c. 107.

If any person shall be fraudulently bound apprentice, such apprentice shall be liable to serve for the first vacancy, and the master shall forfeit 10l.

Two deputy lieutenants may provide substitutes for quakers, and levy the expence by distress; for want of which, such quaker, being of ability to pay 10l. shall be committed to the common gaol for three months, or until the expence of the substitute is paid.

Justices may order payment of the costs of levying by distress, where quakers refuse to pay rates, made for the providing of volunteers, to the sum of 10s. each, where there are only two; to the sum of 5s. where there are more.

Persons unfit to serve, when chosen, may be discharged by the deputy lieutenants.

Persons becoming unfit to serve, may be discharged by the commanding officer; which discharge must be confirmed by two deputy lieutenants, before another man is ballotted for in his room.

Vacancies occasioned by death shall be filled up by a fresh ballot.

Any two or more of the deputy lieutenants, at their several subdivision-meetings, shall ballot for militia men, in the room of those whose terms of service will expire before the 20th day of November then next ensuing the holding of such meetings, and shall, at a following meeting, proceed to inroll the said ballotted men, or their substitutes.

In case any persons making oath that he is not possessed of the clear value of 500l. shall be chosen by ballot to serve in the militia, when it is drawn, or ordered out for actual service, and such person shall be sworn and inrolled, or shall provide a fit person to serve as his substitute, who shall be sworn and inrolled, the churchwardens or overseers of the poor shall, on receiving an order under the hands of any two or more deputy lieutenants, pay to every such person, so chosen by ballot, any sum of money, not exceeding one half of the current price then paid for a volunteer, where such person was so chosen, which said sum of money shall be taken out of the poor's rate; any churchwarden or overseer of the poor refusing or neglecting to pay such money, upon demand, and the producing of such order, shall, for every such offence, forfeit the sum of 5l. one half to be paid to the person so chosen by ballot; if any man chosen by ballot, and serving for himself, shall, within one month after his inrollment, be disapproved of, and discharged, such sum shall not be paid to the person so chosen by ballot, but shall be paid to the next person chosen by ballot in his stead; and if any substitute be disapproved and discharged, no such sum shall be paid to the man so chosen by ballot, unless he shall serve himself, or shall find another substitute who shall be approved by the commanding officer.

Volunteers

Volunteers may be raised with the consent of the inhabitants, taken at a vestry held after three day's notice, to serve on the same terms as substitutes; and a rate may be made for paying them bounties, not exceeding 6*l.* each; to which rate all are bound to contribute, on pain of distress, except those who have served, or shall be then serving in the militia. 26 G. 3. c. 107.

Any justice may determine disputes between servants enrolled as militia men, and their masters, respecting wages, within three months from the time of their quitting the service; and may make such order for the payment of so much wages to such servant in proportion to the service he has performed, as to such justice shall seem just and reasonable, provided the sum in question do not exceed the sum of 20*l.* and in case of refusal for the space of 21 days, may issue his warrant to levy the same by distress.

Every substitute, &c. who does not appear, if he do not return the bounty, shall forfeit any sum not exceeding 20*s.* at the discretion of the deputy lieutenant, or justice of the peace before whom he shall be convicted; or be committed to the common gaol or house of correction for the space of 14 days, or until the said sum shall be returned.

One justice may order the payment of bounty to substitutes and volunteers, according to act 20 G. 3. c. 19.

When a regiment is out of its county, lists of men willing to continue to serve, after the expiration of their term, shall be transmitted by the commanding officer.

The enlistment of a militia man into the standing army shall be void; and any militia man offering to enlist into his majesty's other forces, shall be imprisoned six months, and if actually enlisted, shall serve in such regiment, when dismissed from the militia: any officer, serjeant, or other person enlisting militia men, shall forfeit 20*l.* and any soldier offering to serve as a substitute shall forfeit 10*l.* or be committed to the common gaol or house of correction, for any time not more than three months.

Any person ordering serjeants, &c. of the militia to beat up for volunteers, shall forfeit 10*l.* being convicted upon oath, before any justice of the peace; one moiety to the use of the informer: and any serjeant refusing to declare who gave him such orders shall be imprisoned for any time not exceeding three months.

Rolls signed at subdivision-meetings shall be transmitted to the clerk of the general meeting, within 14 days after every subdivision-meeting.

A state of the number of persons liable to serve, shall be transmitted annually by the lieutenant of the county, &c. to the privy council, who are to settle the number of men for each county, place, &c. and transmit the numbers to the county lieutenants: if the number fixed on be greater than the num-

26 G. 3. c. 107.

ber appointed to serve for any county, place, &c. the lieutenant for such county, &c. with two or more deputy lieutenants, or any three or more deputy lieutenants shall, at a general meeting, appoint what number of militia men shall serve for each hundred, or other division within such county, &c. and the additional number of militia men, to make up the whole number so fixed and settled, shall be provided or chosen in the same manner as other militia men are by this act to be provided or chosen; and all the additional men, or their substitutes, and also all volunteers, shall take the oath, and be inrolled, as is directed: where the number so fixed shall be less than the number of militia men appointed to serve for any county, or place, &c. so many militia men shall be discharged by ballot, as shall exceed the number so fixed and settled as aforesaid.

The money arising by penalties incurred for refusing to serve in the militia, or to find substitutes to serve in their room, shall be applied, by any two or more deputy lieutenants, in providing substitutes for the persons who shall have paid such penalties: if any surplus shall remain, the same shall be paid to the colonels or commanding officers of the regiments, &c. in which such persons ought to have served, and be applied as part of the regimental stock.

Any lieutenant, deputy lieutenant, or justice, is authorized to administer oaths to any witness or witnesses; and all other oaths may be administered by any lieutenant or deputy lieutenant.

Where the number of men is sufficient, the militia shall be formed into regiments, of not more than twelve, nor less than eight companies, of 80 private men to a company at the most, and 60 private men at the least; and the field officers shall be one colonel, one lieutenant colonel, and one major; and where the number of men shall be under eight, and not less than five companies, such militia shall be formed into a battalion, and the field officers shall be one lieutenant colonel, and one major only; and where the number of men shall amount to any number under five, and not less than three companies, such militia shall be formed into a battalion with one lieutenant colonel, or major, and no other field officer; and in each regiment or battalion of militia there shall be one captain, one lieutenant, and one ensign to each company: every battalion of five companies, or upward, may have one company of grenadiers or light infantry, to which two lieutenants shall be appointed, instead of one lieutenant and one ensign; and every regiment, consisting of eight companies, or upwards, may have one company of grenadiers, and one company of light infantry, to each of which companies two lieutenants shall be appointed, instead of one lieutenant and one ensign.

Where

Where the number of men shall not be sufficient to form a regiment or battalion, the militia shall be formed into independent companies, each company to consist of 80 private men at the most, and 60 at the least, with one captain, one lieutenant, and one ensign to each company; and his Majesty may, whenever he thinks proper, join together any number of such independent companies, and form a battalion or battalions, or may incorporate them with any other regiment or battalion of militia, provided the number of companies in any such regiment or battalion be not thereby made to exceed the number of companies of which a regiment or battalion of militia is herein-before directed to consist. 26 G. 3. c. 107.

County lieutenants may act and bear rank as colonels, though the bodies of men do not entitle their commanding officers to that rank.

The senior officer, residing in Great Britain, shall be invested with the powers given to colonels, in the absence of the commanding officer from Great Britain, till his return shall be notified to the clerk of the peace of the county, &c. and by him transmitted to the officer next in command.

The rank of colonel may be given to lieutenant colonels commandant, after five years' service.

Where the numbers are not sufficient for a regiment, three persons may be appointed, with the rank of colonel, lieutenant colonel, and major; but with no higher pay, than if they were lieutenant colonel, major, and captain: where the number of men shall be sufficient to form four, but not sufficient to form six companies, the lieutenant may appoint two persons, qualified as aforesaid, to serve, with the rank of lieutenant colonel and major, but only one of them shall be entitled to any higher pay than that of captain; and where the number of men is not sufficient to form more than two companies, the eldest captain shall rank as major, but shall only be entitled to the pay of captain.

Lieutenants may be appointed captain-lieutenants, where there are six companies in the regiment.

Adjutants may be appointed from the army, or embodied militia, who shall preserve their rank in the army, and they may hold a subaltern's commission, though not qualified, and may have the brevet rank of captain, on the recommendation of the commanding officer of any regiment or battalion of militia, consisting of not less than six companies, provided such adjutant has served five years in the rank of lieutenant; although such adjutant may not have the qualification required by this act for captains: but no adjutant, so appointed to the rank of captain, shall be entitled to rank above, or to command, any captain of a company in the militia, nor shall, by virtue of such appointment, be entitled to receive any
G g 2 greater

26 G. 3. c. 107. greater pay than that of a lieutenant, together with his pay as adjutant.

A paymaster may be appointed to a battalion of more than two companies, when it is not in actual service; but the money necessary for a less number, shall be paid to the commanding officer, by the receiver-general of the land tax.

No adjutant, surgeon, quarter-master, &c. shall be appointed captain of a company, &c. nor vice versa; but a battalion clerk may be appointed a captain-lieutenant.

No half pay officers, serving as subalterns, shall be deemed to forfeit their half pay; but such officers shall take the following oath:

I A. B. do swear, that I had not, between the
any place or employment of profit, civil or military, under his majesty, besides my allowance of half pay as a reduced *in* late regiment of *save and except my pay as* lieutenant, ensign, adjutant, battalion clerk, paymaster, quarter-master, or surgeon, (as the case may be), for serving in a regiment of militia:

And the taking of the said oath shall, without taking any other oath, be sufficient to entitle such person to receive his half pay.

When the militia is not on actual service, there shall be one serjeant and one corporal to every 30 men; and when drawn out, there shall be one serjeant and one corporal to every 20 men; and when not in actual service, there shall be one drummer to every company, with an addition of one drummer for each flank company of regiments or battalions consisting of six or more companies; and when the militia shall be drawn out, there shall be an addition of one drummer to every company so drawn out; and the daily pay of every such serjeant, corporal, and drummer, shall be to every serjeant 1s.—to every corporal 8d.—and to every drummer 6d.; and such serjeants, corporals, and drummers, shall be new clothed, when not in actual service, once in two years. All serjeants and corporals shall take the following oath:

I A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to his majesty king George; and I do swear that I am a protestant, and that I will faithfully serve as a serjeant, or corporal, (as the case shall be), in the militia within the kingdom of Great Britain, for the defence of the same, until I shall be legally discharged.

The colonel or commanding officer of every battalion consisting of four or more companies, may appoint a serjeant-major out of the serjeants, and a drum-major out of the drummers; and all serjeants, corporals, and drummers, having received any pay as such, shall be compellable to serve until they shall be legally discharged.

No

No publican shall be capable of serving as a serjeant, corporal, or drummer, in the militia. 26 G. 3. c. 107.

A surplus of 15 men, above the proportion of 30 to one corporal, shall entitle the battalion to an additional corporal, when not in actual service, for such surplus number of men.

Any serjeant, corporal, or drummer, may be discharged by the colonel, or commanding officer, (with the consent of the captain of the company); and the captain (with the approbation of the commanding officer) may appoint any proper person in the room of every serjeant, corporal, and drummer, who shall die, desert, or be discharged, all which serjeants and corporals, so appointed, shall take the like oath as is before required.

The commanding officer of any regiment, &c. may retain any number of the drummers who now are employed, as fifers or musicians therein, over and above the number of one drummer per company, or may engage any additional number of drummers to act as fifers or musicians in their respective corps; and all such drummers so retained, or in future engaged to serve in any such corps as fifers or musicians, shall be deemed as drummers of militia, to all intents and purposes, and shall be subject to the same orders and punishments, as other drummers of militia, and shall continue to serve as drummers so long as they shall receive the same pay and cloathing as other drummers have, and no longer.

Serjeants of Chelsea hospital may receive their allowance therefrom, together with their pay.

Any person who shall have faithfully served as a serjeant in the militia for fifteen years, or as a corporal or drummer for twenty years, and who shall be discharged on account of age or infirmity, shall, on the recommendation of the commanding officer, &c. be entitled to examination at the Chelsea board, and be capable to be placed on the pension of 5d. per diem, if the said board should judge him deserving thereof: but no person who shall be appointed a serjeant in the militia, after the passing of this act, shall be entitled to such recompence, until he shall have served in the militia, or in the army and militia, for 20 years.

The militia shall be trained and exercised for 28 successive days annually, and amenable to the mutiny laws, so that no punishment shall extend to loss of life or limb.

Notice of the time and place of exercise shall be affixed on the church doors; and all militia men shall duly attend at such time and place, according to the notice.

Ten days prior to the annual exercise, lists of the men in-rolled shall be sent to the respective commanding officer, or to such person as he shall appoint to receive the same; and a duplicate of such list shall also be transmitted to the adjutant of such regiment, &c.

From

26G, 3. c. 107.

From which lists two thirds of the complete number shall be chosen by ballot, at the first meeting, for exercise.

The day after the ballot, the regiment, &c. shall be mustered.

Vacancies by death, or discharge, or by the expiration of the time of service, shall be filled up by ballot at the first meeting. The men ballotted out of the roll are to be exercised, and the remainder discharged from attendance; but though discharged, they are liable to military law, while they remain where the regiment is assembled; and are to appear, on notice, at any subsequent place of exercise.

If any inrolled person, not chosen by ballot as aforesaid, shall offer himself as a volunteer to be trained and exercised, it shall be lawful for the commanding officer to accept such volunteer in the room of another person so ballotted, to be trained and exercised.

All mayors, bailiffs, constables, tythingmen, headboroughs, and other chief magistrates, and officers of cities, towns, &c. and any one justice of the peace inhabiting within or near any such city, town, &c. but no others, may quarter and billet the officers and private men serving in the militia, at the times when they shall be called out to annual exercise, in inns, &c. And all persons selling brandy, wine, &c. upon application made, are required to order and provide convenient lodging, in such houses, for the serjeants, corporals, and drummers of the militia.

Militia men, falling sick on the march, are to be relieved by the parish officer, and the expence to be repaid by the county treasurer; such relief being ordered by any justice, mayor, or chief magistrate, and the parish officer's account allowed by him.

Justices may grant warrants for impressing carriages for the militia on its march; the sum of one shilling for every mile being paid to the chief constable or other officer for a waggon with five horses, and any wain with six oxen, or with four oxen and two horses, and nine-pence per mile for any cart with four horses, and so in proportion, for which sums every chief constable, &c. is hereby required to give a receipt; and every person being ordered by the constable, &c. is hereby required to provide and furnish the same for one day's journey, and no more; and if the expence exceed the rates of carriage, the surplus shall be paid by the treasurer of the county, out of the public stock.

When the militia is called out to annual exercise, the state thereof is to be sent to the county lieutenant, by the commanding officer, within six months, on pain of forfeiting 100l.

Militia men not appearing at, or absenting themselves during the annual exercise, and not taken up till after the exercise, shall forfeit 20l. and if such penalty shall not be immediately

diately paid, the justice of the peace before whom any such militia man shall be convicted, shall commit such militia man to the common gaol, without bail or mainprize, for the space of six months, or until he shall have paid the said penalty. 26 G. 3. c. 107.

Another man shall be ballotted for, if a deserter does not return in three months; and if he shall at any time return or be taken, he shall, notwithstanding any person shall have been chosen in his room, be compelled to serve in the same manner, and for the same term, as if no person had been so chosen in his room.

A substitute deserting is liable to serve his full term, whenever taken up, to be computed from the day on which he shall be apprehended, and shall also be subject to such other penalty or punishment as shall be inflicted upon him for such offence by virtue of this act; and the commanding officer shall cause notice to be given to the clerk of the subdivision for which such person was inrolled, of the day on which he was apprehended, and the clerk shall make an entry of the name of such person, and also the time of his being so apprehended.

All muskets delivered for the service of the militia shall be marked with the letter (M), and the name of the county, &c. to which they belong; and in case any militia man shall sell, pawn, or lose any of his arms, clothes, or accoutrements, or neglect or refuse to return the same in good order to his captain, or to the person appointed to receive the same, every such militia man shall, for every such offence, forfeit and pay a sum not exceeding three pounds; and if he shall not immediately pay such penalty, the justice of the peace before whom he shall be convicted shall commit him to the house of correction, for any time not exceeding three months, or until he shall have paid the said penalty.

If any person shall knowingly and willingly buy, take in exchange, or otherwise receive any arms, clothes, or accoutrements, belonging to any militia man, the person so offending shall pay for every such offence, the sum of five pounds; and if such offender shall not immediately pay such penalty, and shall not have sufficient goods and chattels whereon to levy such penalty, the justice before whom he shall be convicted shall commit him to the common gaol for the space of three months, or shall cause such offender to be publicly whipped, at the discretion of such justice.

When any regiment, &c. of militia, shall be assembled for the purpose of being trained and exercised, it shall be lawful for the captain or commanding officer of every company to put the militia men of his company under stoppages, not exceeding 6d. per day, for the purpose of providing them with linen, &c. and for defraying the expence of repairing any arms which shall have been broken or damaged by any such militia

26 G. 3. c. 107. militia man's neglect : provided always, that he account for such stoppage, and after having deducted what shall have been laid out and paid for necessaries, &c. shall pay the sum remaining (if any there shall be) into the hands of the militia man to whom the same belongs, before he be dismissed from such training and exercise.

Every adjutant, serjeant-major, serjeant, corporal, drum-major, and drummer of the militia, shall be at all times subject to any act which shall be in force for punishing mutiny and desertion ; and it shall be lawful for the colonel, or (where there is no colonel) the commanding officer of any regiment or battalion of militia, to direct the holding of courts-martial whenever such regiment or battalion shall be embodied for the purpose of annual exercise, for the trial of any serjeant-major, serjeant, corporal, drum-major, or drummer of such regiment or battalion, for any offence committed during the time such regiment or battalion was not embodied, but so that no punishment shall extend to the loss of life or limb.

Any serjeant or corporal of the militia may, by sentence of a court-martial, be reduced to the condition of a private soldier of the militia, to serve as such during any time not exceeding 15 months ; after which time, if not regularly re-appointed, he shall be discharged from the service.

The arms belonging to every regiment, &c. when not embodied, shall be kept in such convenient place as the colonel, or commanding officer shall direct, with the approbation of the lieutenant of the county, &c.

One third part of the serjeants, corporals, and drummers, in every regiment, &c. shall constantly be resident where the arms are kept, and shall be under the command of the adjutant ; and in his absence the serjeant-major, shall make a monthly return of the true state of the serjeants, corporals, and drummers of the regiment, &c. to the lieutenant of the county and the commanding officer, in default of which he shall be subject to such punishment as a court-martial shall adjudge : no serjeant, corporal, or drummer, shall be absent from such city, town, or place, without a regular furlough from his colonel, or from the commanding officer ; and every serjeant, corporal, and drummer, who shall absent himself without such furlough, shall be liable to be apprehended as a deserter ; the adjutant shall never absent himself without leave ; but whenever such adjutant shall be absent, with leave, the serjeant-major, or some serjeant, who shall be appointed, shall act.

If any militia man shall not join the regiment at the time of annual exercise, or shall desert, and shall not be apprehended before the expiration of the time appointed for such exercise, the commanding officer, adjutant, or serjeant-major, receiving information of the place where he shall reside, shall direct a party

party of the serjeants, corporals, or drummers, to assist in apprehending, and in conveying him before some justice of the peace where such offender shall be apprehended; and if, by confession, or the oath of any witness, or the knowledge of such justice, it shall appear that such person is guilty of such offence, such offender shall be conveyed to the head quarters of the regiment or battalion of militia of the next county, in the way to that to which such offender belongs, and be delivered into the custody of the adjutant or serjeant-major of such regiment or battalion, who shall cause him to be conveyed in like manner to the adjutant or serjeant-major of the regiment of the next county, &c. and so on till such offender shall be delivered into the custody of the adjutant or serjeant-major of the regiment or battalion to which he belongs, who shall take him before a justice of the peace, to be dealt with as this act directs in cases of militia men deserting or absenting themselves from duty; such offender to be subsisted at the rate of 6d. per day, from the stock of the county, &c. to which such regiment belongs, for which subsistence such justice is hereby required to make an order upon the treasurer of the county. 26 G. 3. c. 307.

If any serjeant, corporal, or drummer, shall desert from the regiment or battalion to which he belongs, any headborough, constable, or other officer of the place where any such deserter shall be found, may cause him to be apprehended, and taken before any neighbouring justice of the peace, who is hereby impowered to examine such suspected person; and if it shall appear that such suspected person is a deserter, such justice shall cause him to be conveyed to the common gaol, or other public prison, near to which such deserter shall be apprehended, there to remain, until he shall be demanded by some person or persons authorized to receive him; and shall transmit an account thereof to the clerk of the general meetings of the county, &c. to which such deserter belongs; and the keeper of such gaol, &c. shall receive the full subsistence of such deserter, for his maintenance, during the time he shall continue in his custody, but shall not be entitled to any fee or reward on account of his imprisonment.

The colonel, or commanding officer, of the regiment, shall send an order, under his hand and seal, to the keeper of the said prison, requiring him to deliver such deserter to the person or persons therein named; and the serjeant &c. to whom such deserter shall be so ordered to be delivered, with a sufficient party under his command, shall convey such deserter to the adjutant or serjeant-major of the regiment to which he belongs; and such adjutant or serjeant-major shall take such deserter before a justice of the peace of the county to which he belongs, who shall forthwith cause him to be conveyed to the common gaol, house of correction, or other public prison of such county, riding, or place, where he shall remain, without

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bail or mainprize, until the regiment or battalion to which he belongs shall be embodied for annual exercise or for actual service; and a court-martial shall be held for the trial of such deserter; and if such deserter shall be found guilty, he shall be punished as such court-martial shall think fit, but not to the loss of life or limb.

All gaolers shall receive into their custody such offender, for such time as they shall be required, when he is conveying to his regiment, not exceeding 24 hours, on pain of forfeiting 20s.

Serjeants employed in apprehending, &c. deserters, shall be billeted as other soldiers employed in that service.

The justice of the peace, before whom any deserter shall be convicted, may issue his warrant to the clerk of the regiment to which such deserter shall belong, or to the commanding officer, to pay, out of the stock of such regiment or battalion, the sum of 20s. to the person who shall have apprehended such deserter.

If any person shall harbour, conceal, or assist any deserter, knowing him to be such, the person so offending shall forfeit, for every such offence, the sum of 5*l*.

In all cases of actual invasion, or upon imminent danger thereof, and in all cases of rebellion or insurrection, it shall be lawful for his majesty, (the occasion being first communicated to parliament, if it shall be then sitting, or declared in council, and notified by proclamation, if no parliament shall be then sitting), to order and direct the lieutenants, &c. with all convenient speed, to draw out and embody the militia within their respective counties, &c. or so many of them as his majesty shall in his wisdom judge necessary, and to put the said forces under the command of such general officers as his majesty shall be pleased to appoint; and the officers, &c. shall, from the time of their being drawn out as aforesaid, remain subject to the articles of war.

Neither the whole, nor any part of the militia directed by this act to be raised and maintained, shall, on any account, be carried, or ordered to go out of Great Britain.

When the militia is called out, his majesty may and shall issue a proclamation for the meeting of parliament, within 14 days.

When the militia is ordered to be called out, the county lieutenant, &c. shall issue orders to the constables, or other officers, of the several parishes, &c. to cause notice in writing to be given to the several militia men, to attend at the time and place mentioned in such order; and if any militia man (not labouring under any infirmity) shall not appear and march in pursuance of such order, every such militia man shall be liable to be apprehended, and punished as a deserter; and if any person shall harbour or conceal any militia man when ordered out

out into actual service, knowing him to be a militia man, every such person shall, for every such offence, forfeit and pay the sum of 5*l*. 26 G. 3. c. 107.

No officer serving in the militia shall sit in any court-martial, upon the trial of any officer or soldier serving in any of his majesty's other forces; nor shall any officer serving in any of his majesty's other forces sit in any court-martial, upon the trial of any officer or private man serving in the militia.

When any regiment shall be drawn out into actual service, the commanding officer may appoint an agent, and shall take security from such agent; and such commanding officer is hereby made liable to make good all deficiencies that may happen, from the said agent, or from himself, upon account of the pay, clothing, &c. of such regiment.

When the militia of any county shall be ordered out into actual service, the receiver-general of the land-tax shall pay to the captain or commanding officer, one guinea, for the use of every private militia man; and to every captain or commanding officer of a company, the sum of one guinea for every recruit; and the money so received, shall be laid out in the best manner for the respective militia men; and every captain or commanding officer shall account to such militia man how the said sum hath been applied, and shall pay the remainder (if any) to the said militia man.

If the term of service of any person so ballotted, shall be prolonged, beyond the term of five years, the receiver-general of the land tax for the county, &c. shall forthwith pay to the captain, or commanding officer, and so on, a guinea for every three years, to be laid out for the men to the best advantage, and accounted for to every man before he receives his discharge.

The militia, when embodied, shall be entitled to the same pay as the other forces; and non-commissioned officers, &c. maintained in service, shall be entitled to the benefit of Chelsea hospital.

When the militia shall be duly disembodied, the officers and private men shall be subject to the same orders only, as they were subject to before they were drawn out.

The powers, &c. given to Northumberland, shall extend to Berwick upon Tweed, &c. and their militia shall join that of Northumberland.

The Governor of the Isle of Wight shall appoint the officers, &c. for that militia, who are to be qualified like those for Wales.

And the militia of the said island shall be raised in the same manner as the militia of the county of Southampton, and be deemed a part of the militia of the said county; but shall continue in the island, unless otherwise ordered by his majesty.

The constabulary of Craike, in the county of Durham, shall be deemed part of the north riding of Yorkshire; part of Maker

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shall be deemed part of the county of Cornwall; and Wokingham shall be deemed part of the county of Berks; and the township of Filey, part of the east riding of the county of York; and Threapwood, part of the county of Flint; and Saint Martin, in Stamford, shall be deemed part of the county of Lincoln; and be subject to the authority of the lieutenants, &c. of those counties.

The warden of the stanneries, in pursuance of his majesty's commission, shall array, assess, arm, muster, and exercise the said tinnerns, as hath been heretofore used.

The several lieutenants commissioned for the militia of the city of London, shall continue to list and levy the train bands as heretofore.

The constable of the Tower may appoint deputy lieutenants, &c. for the Tower hamlets, according to act 13. and 14 Car. 2, c. 3.

The deputy lieutenants may act when the lieutenant of the hamlets is out of the kingdom.

No commission, warrant, or appointment, granted to any deputy lieutenant of the said Tower hamlets, shall be vacated by the death or removal of the lieutenant.

The constable of the Tower, or lieutenant of the Tower hamlets, shall appoint a treasurer of the trophy money, for receiving and paying such monies as shall be levied by virtue of the said act of the 13 & 14 Car. 2, who shall yearly account, upon oath, to the said constable or lieutenant, or his deputy lieutenants, or any three or more of them, which accounts shall be certified to the justices of the peace for the said division or hamlets, at their next general or quarter sessions; unless by reason of the death of such treasurer, or otherwise, such accounts cannot be passed under the hands and seals of four or more of such justices.

And no trophy money for a succeeding year shall be levied, till the account of the former year has been allowed.

The warden of the cinque ports, &c. may act as lieutenants, &c. of counties may do, and shall keep up the usual number of soldiers in the said ports, &c. unless he or they find cause to lessen the same; and the militia of the said ports, &c. shall remain separate from the militia of the several counties within which the said ports, &c. are situate; and may be called out notwithstanding the pay advanced may not have been re-im-bursed.

Churchwardens and overseers in Kent and Sussex, may make returns of men liable to serve, &c. and may have the authority hereby granted to constables in other places, and are subject to the same penalties for neglect of their duty.

From and after the last Tuesday in October next, his said majesty's lieutenant, or, on his death or removal, or in his absence, any three or more deputy lieutenants of the counties of
Sussex

Sussex and Kent, respectively, shall and may issue out his or their orders to the chief constable of the several hundreds, 26 G 3. c. 107.

Certified returns of the militia to be annually sent to the clerks of the peace to be filed.

The lieutenant, or any three deputy lieutenants, where the militia shall be raised, shall, on or before the 25th of December, in every year, transmit a certificate to the clerk of the peace, of the militia in that year, and the time during which such militia hath been trained and exercised; and every such clerk of the peace shall deliver such certificate to the justices of the peace, at their general quarter session to be held next after the 25th of December, in every year, on the day on which such session shall be opened, and the same shall be filed amongst the records of such session. Where no such return is received, the same is to be certified by the clerk of the peace, and filed by him amongst the records of such session.

In every county and place where no such certificate shall be transmitted, the sum of 5l. shall be annually paid for, and in lieu of, every private militia man by this act directed to be raised within the same county or place; and the justices of the peace shall, and are hereby required, at their said general quarter session, to rate and assess the sum of 5l. per man, as aforesaid, upon every such county or place, and upon every town, parish, &c. within such county, by such ways and means as are directed with respect to county rates, by 12 G. 2. or by any other act of parliament; no person who shall have served as an officer in any body of militia raised within this kingdom for the space of four years, or who shall be then serving, shall be liable to pay any part of such rate, provided such person shall have delivered a certificate of such service to the clerk of the peace, and also a roll or list of his tenants, and the places of their abode.

Where a certain number of militia men are directed to be raised for any county, together with any city or town being a county of itself, and the militia shall not be raised for such county and city, or town, the payment of the said sum of 5l. per man upon the whole number of militia men so directed to be raised, shall be divided between such county, and such city or town, in such proportion as the respective quotas paid to the land tax bear to each other, unless the apportionment of the number of such militia men shall actually have been made, in which case the said sum of 5l. per man shall be borne by such county, and by such city or town, in such proportions as the numbers of militia men, so apportioned to be raised by such county, and by such city or town, bear to each other.

Where there are no county rates, the assessment is to be raised as the poor's rates are.

In all cases where the militia shall not be raised within any city, town, or place, not rated to the county rate, the proportion

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tion of the said sum of 5l. per man, to be borne by such city, town, or place, shall be raised, levied, and collected within such city, town, or place, by a separate rate or assessment, as the rates for the relief of the poor are raised, and the churchwardens and overseers of the poor shall, from time to time, pay over the same to the treasurer of the county with which such city, town, or place, shall be joined or united for the purpose of raising the militia.

Where a town lies in two counties, the money assessed shall be paid to the treasurer of the county wherein the church stands.

If the assessment for a place where there are no county rates, be not paid before the 1st of June, it may be levied by the justices of the peace, who shall cause the same to be levied by distress and sale of the goods and chattels of the churchwardens or overseers of the poor of every such parish and division, rendering the overplus (if any) to the owners; and all such churchwardens and overseers of the poor shall be reimbursed the money so levied on them respectively, by the same ways and means as overseers of the poor are reimbursed, for the relief of the poor.

The treasurer for every county or place, who shall receive the said sum of 5l. per man, is hereby required to pay all the money he shall so receive to the receiver-general of the land tax for such county or place, within one calendar month after he shall receive the same; and when the whole sum directed to be raised in any county or place, shall be paid into the hands of the receiver-general of the land tax, such payment shall be a full discharge and indemnification to such county or place for the failure or neglect in the raising and training of the militia for the year; and the receiver-general shall, within ten days, certify the receipt thereof to the treasury, and pay the money into the exchequer.

A salary may be allowed the receiver, not exceeding 2d. in the pound, for so much money as he shall pay into the exchequer in pursuance of this act.

The treasurer of every county shall be allowed the sum of 1d. in the pound upon the whole sum by him received and paid; and every high constable, &c. who shall act in the raising and collecting of the money, shall be allowed and paid by such treasurer, the sum of 1d. in the pound of all such money, in the raising and collecting whereof they shall act as aforesaid, to be deducted out of the money received by him.

The clerk of the peace shall, within 14 days next after the general quarter session of the peace to be held next after the 25th of December yearly, transmit to the treasury, and also to the receiver-general of the land tax, a copy of every certificate received from the lieutenant, or any three deputy lieutenants, of such county or place; and where such certificate shall be

omitted

omitted to be delivered, the clerk of the peace shall certify 26 G. 3. c. 307. such omission to the treasury, &c. and that such clerk of the peace hath certified the same to the justices at the general quarter session, and required such justices to proceed according to the directions of this act; and such clerk of the peace shall also certify what proceedings have been had at such general quarter session, where the militia shall not have been raised; and in case such justices shall omit, neglect, or refuse to proceed to raise the money according to the directions of this act, then the clerk of the peace of such county or place shall, within 14 days next after such session, certify to the solicitor of the treasury such omission, neglect, or refusal, of such justices, and the names of the justices who shall be present at such session; and the solicitor of the treasury shall forthwith proceed to compel such justices to pay due obedience to this act, and to cause the said money to be raised, collected, and paid.

If the said sum of 5l. per man, shall not be levied and paid into the exchequer, the solicitor of the treasury shall proceed to compel the levying and collecting of such money, and the payment thereof into the exchequer.

If any clerk of the peace shall refuse or neglect to transmit such certificates, he shall, for every such offence, forfeit and pay the sum of 100l. and shall also forfeit his office, and be rendered incapable of holding any office of trust, civil or military, under the crown; and if any receiver-general of the land tax, or other officer, shall wilfully omit, or neglect or refuse to act therein, every such receiver-general or treasurer, so offending, shall for every such offence forfeit and pay the sum of 200l.; and every chief constable, 50l.; and every such petty constable, 20l.; and in case the solicitor of the treasury shall wilfully omit or delay to proceed against such justices of the peace, receivers general of the land tax, treasurers, or other officers aforesaid, he shall for every such offence forfeit and pay the sum of 500l.

The provisions of act 24 G. 2. c. 44, respecting justices, shall extend to all his majesty's lieutenants, and to all deputy lieutenants acting in the execution of this act, or any other act relating to the militia, in like manner, and as fully and effectually as the same extend to justices of the peace acting in the execution of their office.

The acceptance of a commission in the militia shall not vacate the seat of any member returned to serve in parliament; and no person being an officer of the militia shall be compelled to serve the office of sheriff.

No officer of the militia, or private militia man, shall be liable to any penalty, on account of his absence during the time he shall be going to vote at any election of a member to serve in parliament, or during the time he shall be returning from such election.

No

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No serjeant, corporal, drummer, nor any private man, from the time of his inrollment, until he shall be regularly discharged from the militia, shall be compelled to serve as a peace officer, or parish officer, or to perform any highway duty, commonly called statute-work, or to serve in any of his majesty's sea forces.

Every person having served in the militia when drawn out into actual service, being a married man, may set up and exercise any trade in any town or place within Great Britain; and no such militia man shall be liable to be removed out of any such town or place, until he is become chargeable to the parish.

All fines, penalties, and forfeitures, by this act imposed, which shall exceed the sum of 20*l*. shall be recovered in any of his majesty's courts of record; and all which shall not exceed the sum of 20*l*. shall, on proof, upon oath, of the offence before any justice of the peace of the county, riding, or place, where the offence shall be committed, be levied by distress and sale, by warrant under the hand and seal of such justice, rendering the overplus (if any) on demand; and for want of sufficient distress such justice is hereby required, in all cases where no particular time of commitment is herein-before directed, to commit such offender to the common gaol of the county, riding, or place, where the offence shall have been committed, for any time not exceeding three months, and the money arising by all such fines, penalties, and forfeitures, the application whereof is not otherwise particularly directed by this act, shall be paid to the clerks, or (where there are no clerks) to the commanding officers of the respective regiments, or other bodies of militia of the respective counties, &c. where such offences shall have been committed, and shall be made part of the public stock of such regiments, or other bodies of militia.

No order or conviction made by any lieutenant of any county, riding, or place, or by any two or more deputy lieutenants, or by any one deputy lieutenant, together with any one justice of the peace, or by any justice or justices of the peace, by virtue of this act, shall be removed by certiorari into any court whatsoever.

If any action shall be brought against any person or persons, for any thing done in pursuance of this act, such action or suit shall be commenced within six months next after the fact committed, and shall be laid in the county or place where the cause of complaint did arise, and not elsewhere; and if judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs.

All former acts of parliament relating to the militia of this kingdom (except only such acts as relate to the militia of the city of London, the militia of the Tower hamlets, and the militia

militia of the cinque ports, and the two ancient towns, and their members) shall be, from the 24th of September, 1786, and they are hereby repealed. 26 G. 3. c. 197.

But the repealing of the said acts shall not annul or in any wise affect any commission of lieutenancy, or any other commission already granted, by virtue of the said former acts: provided that no person shall act in the execution of this act, by virtue of any commission already granted, unless he is qualified as herein-before is directed, and also unless he has delivered, or shall deliver in a certificate, containing a specific description of his qualification, to the clerk of the peace, according to the directions of this act.

Marine Forces.

MARINE forces* are those employed in his Majesty's fleet and naval service, under the direction of the lord high admiral, or commissioners for executing the office of lord high admiral of Great Britain. 27 G. 3. c. 3.

After March 25, 1787, during the continuance of this act, every marine officer and private man on shore, who shall mutiny or desert, &c. or list in any other regiment, &c. or shall be found sleeping on, or shall desert his post, or hold correspondence with the enemies of his majesty, or who shall strike or disobey his superior officer; shall suffer death, or such punishment as a court martial shall inflict.

The lord high admiral, or commissioners for executing that office, may grant a commission for holding a general court-martial, &c. at any place or places on shore, in this realm, or in any other of his majesty's dominions.

Courts-martial may inflict corporal punishment for immorality, &c.

Lords of the admiralty are empowered, by this act, to make articles for punishment of mutiny and desertion, &c. and to constitute courts-martial, with power to try, hear, and determine, any crimes or offences specified in such rules and articles, and inflict punishments, by sentence or judgement for the same, according to the true intent and meaning of this act.

Provided always, that no person or persons shall be adjudged to suffer any punishment extending to life or limb by the said rules or articles, within the kingdom of Great Britain, except for such crime or crimes as is or are expressed to be so punishable by this act.

* N. B. This act is in almost every particular the same with 28 G. 2. c. 11. and the several acts since that time.

27 G. 3. c. 3.

No general court-martial shall consist of less than 13; and the president to be a field officer, or officer next in seniority, not under the degree of a captain. Every such court-martial may administer oaths to witnesses.

The officers are to be sworn, as follows, before the court, and judge-advocate, or his deputy.

You shall well and truly try and determine, according to the evidence which shall be given in the matter now before you, between our sovereign lord the king's majesty and the prisoner to be tried. So help you God.

I A. B. do swear, that I will duly administer justice, according to an act of parliament now in force, for the regulation of his majesty's marine forces while on shore, and according to the rules and articles made in pursuance of the said act of parliament for the punishment of mutiny and desertion, and other crimes therein respectively mentioned, without partiality, favour, or affection; and if any doubt shall arise, (which is not explained by the said act of parliament, or the said rules and articles), according to my conscience, the best of my understanding, and the custom of war in like cases. And I further swear, that I will not divulge the sentence of the court, until it shall be approved by the lord high admiral, or three or more of the commissioners for executing the office of lord high admiral of Great Britain; neither will I, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law: So help me God.

After which, the judge-advocate is to be sworn, by the president, in the following words:

I A. B. do swear, that I will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law: So help me God.

No sentence of death shall be given against any offender by any such general court-martial as aforesaid, unless nine officers present shall concur therein; and if there be more officers present than 13, then the judgement shall pass by the concurrence of two thirds of the officers present, and no proceeding or trial shall be had upon any offence but between the hours of eight o'clock in the morning and three in the afternoon, except in cases which require an immediate example.

The party tried by any general court-martial, to be held as aforesaid, shall be intitled to a copy of the sentence and proceedings of such court-martial, upon demand thereof, (he or they paying reasonably for the same), at any time not sooner than three months after such sentence.

Every judge-advocate, or person officiating as such at any general court-martial, is hereby required to transmit, with as
much

much expedition as time and place will admit, the proceedings and sentence of such court-martial to the secretary of the admiralty for the time being; which proceedings shall be by him carefully kept and preserved in the office of the admiralty of Great Britain, that the persons intitled thereto may be enabled to obtain copies thereof. 27 G. 3. c. 3.

No marine, either officer or private man, being acquitted or convicted of any offence at any such court-martial as aforesaid, shall be liable to be tried a second time for the same offence; and no sentence given by any court-martial, and signed by the president thereof, shall be liable to be revised more than once.

If any officer or private man shall desert his majesty's service in any of his dominions beyond the seas, or elsewhere, and shall escape or be brought into this realm, such officer or private man shall be tried for the same, as if the same offence had been committed within this realm.

Nothing in this act shall exempt any marine, either officer or private man, while on shore, from being proceeded against by the ordinary course of law.

No person or persons, being acquitted or convicted of any capital crimes, violences, or offences, by the civil magistrate, shall be liable to be punished by a court-martial for the same, otherwise than by cashiering.

If any marine officer, or private man, shall be accused of any crime punishable by the known laws of the land, such accused person shall be delivered over to the civil magistrate. — Officers refusing to deliver over such offenders, and being thereof convicted, before any two or more justices of the peace for the county where the fact is committed, by the oath of two credible witnesses, shall be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any civil or military office of employment within this kingdom, or in his majesty's service; provided the said conviction be affirmed at the next quarter sessions of the peace for the said county, and a certificate thereof be transmitted to the judge-advocate, who is hereby obliged to certify the same to the next court-martial.

Fictitious names allowed by his majesty's order upon the muster-rolls for the maintenance of officers' widows, are not to be construed a false muster; but the paymaster is to pay the full pay of such men to the receiver.

Constables, and chief magistrates, are by this act required to quarter and billet the marines, both officers and private men, in his majesty's service, in inns, livery-stables, ale-houses, victualling-houses, and the houses of sellers of wine by retail to be drank in their own houses, or places thereunto belonging, and all houses of persons selling brandy, strong

27 G. 3. c. 3.

waters, cyder, or metheglin, by retail, to be drank in houses, but in no distillers or shopkeepers houses, or in any private houses, without the consent of the occupier.

If any marine officer shall take upon him to quarter private men otherwise than is limited and allowed by this act, or shall use or offer any menace or compulsion to any mayors, constables, or other civil officers, tending to deter and discourage any of them from performing any part of their duty; such marine officer shall, for every such offence, (being convicted before any two or more of the next justices of the peace of the county, by the oath of two credible witnesses), be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any military employment within this kingdom, or in his majesty's service; provided the said conviction be affirmed at the next quarter sessions of the peace of the said county, and a certificate thereof be transmitted to the judge-advocate, who is hereby obliged to certify the same to the next court-martial.

If any person shall find himself aggrieved, in that such constable, officer, or magistrate, (such chief officer or magistrate not being a justice of the peace), has quartered or billeted in his house a greater number of marines than he ought to bear in proportion to his neighbours, and shall complain thereof to one or more justice or justices of the peace of the division, city, or liberty, where such marines are quartered; or if such chief officer or magistrate shall be a justice of the peace, then, on complaint made to two or more justices of the peace of such division, city, or liberty, such justices respectively shall have power to relieve such person, by ordering so many of the said marines to be removed and quartered upon such other persons as they shall see cause; and such other persons shall be obliged to receive such marines accordingly.

Marine officers and private men so quartered shall be furnished with diet and small beer by the owners of the inns, livery stables, alehouses, victualling-houses, and the houses of sellers of wine by retail to be drank in their own houses, or places thereunto belonging, and other houses; paying and allowing for the same the several rates herein-after mentioned, to be payable out of the subsistence-money for diet and small beer.

If any innholder shall be desirous to furnish such non-commission officers and private men with candles, vinegar, and salt, and with either small beer or cyder, not exceeding five pints for each man per diem, gratis, and allow to such non-commission officers or private men the use of fire, and the necessary utensils for dressing and eating their meat, and shall give notice of such his desire to the commanding officer, and shall furnish and allow the same accordingly; in such case, the
non,

non-commission officers and private men so quartered shall provide their own victuals; and the officer who shall receive the pay and subsistence of such non-commission officers and private men, shall pay the several sums herein-after mentioned out of the subsistence-money for diet and small beer, to the non-commission officers and private men aforesaid, and not to the innholder, or other person, on whom such non-commission officers and private men are quartered. 27 G. 3. c. 3.

If any marine officer shall take, or cause, or suffer to be taken, any money for excusing the quartering of officers or private men, or any of them, in any house allowed by this act, every such officer shall be cashiered.

The commanding officer may exchange marines in their quarters, and the constables are required to billet the same accordingly; provided the number is not increased by any such exchange.

No paymaster, or other officer or person whatsoever, shall make any deductions whatsoever, out of the pay of any marine, either officer or private man, other than the usual deductions for cloathing, and twelve pence in the pound to be disposed of as his majesty shall think fit; and the one day's pay in the year for the use of the royal hospital at Chelsea; and such other necessary deductions as shall, from time to time, be directed by the lords of the admiralty, under their hands.

Every officer or other person to whom it belongs to receive the pay or subsistence-money for one or more particular company or companies of the said marine forces, shall give public notice thereof to all persons keeping inns, or other places where officers or private men are quartered, within four days at the farthest after the receipt of the same, and shall pay the demands of such innkeepers and others, before any part of the said pay or subsistence be distributed either to the officers or private men: provided the said accounts exceed not, for one marine commission officer under the degree of a captain, for such officer's diet and small beer, per diem, one shilling; and if such officer shall have a horse or horses, for each such horse or horses, for their hay and straw, per diem, six-pence; nor for one private man's diet and small beer, per diem, four-pence.

If the officers do not give notice of subsistence-money, and paying quarters, on complaint thereof by two witnesses at the next quarter-sessions, the paymaster shall satisfy them out of the arrears due to such officers, upon penalty that such paymaster or person shall forfeit their respective place or places of paymaster, or otherwise, and be discharged from holding the same for the future; and in case of no arrears due, the paymaster may deduct out of the next subsistence-money the sums he shall pay, pursuant to the certificate of the said justices; and such officer or officers shall, for such their offence, or for neglecting

27 G. 3. c. 3.

neglecting to give notice of the receipt of such pay or subsistence-money as aforesaid, be deemed and taken, and are hereby declared *ipso facto* cashiered.

On moving from quarters, the officer is to make up accounts, and give certificates for money due; to the end the said certificate may be forthwith transmitted to the proper paymaster of the marines, who is hereby required immediately to make payment thereof to the person or persons to whom such money shall be due.

Officers, &c. are to be quartered in Scotland, as the laws in force at the union direct.

Justices of the peace shall order constables to provide carriages, with able men to drive the same, for the marine forces in their march; being duly required thereunto by the lords of the admiralty, by an order in writing under their hands. And in case sufficient carriages cannot be provided within the division or precinct from, through, or near, which such marines are ordered to march; the next justice or justices shall, upon such order being brought or shewn to one or more of them, by any of the marine officers aforesaid, issue his or their warrant or warrants to the high constables, or petty constables, of such next county, division, or precinct, to make up such deficiency: the officer or officers, at the same time, to pay down in hand to the said constable, or petty constable, for the use of the person who shall provide such carriages and men, 1s. for every mile any waggon with five horses shall travel; and 1s. for every mile any wain with six oxen, or four oxen with two horses, shall travel; and 6d. for every mile any cart with four horses shall travel; and so in proportion for less carriages; for which respective sums so received, the said constable, or petty constable, is hereby required to give a receipt in writing to the person or persons paying the same: and such constable, or petty constable, shall order and appoint such person or persons having carriages within their respective liberties, as they shall think proper, to provide and furnish such carriages and men, according to the warrant aforesaid, who are hereby required to provide and furnish the same accordingly.

No marine officer shall force and constrain any waggon, or carriage, to travel more than one day's journey, but shall discharge the same in due time for their return home, and shall not suffer any marine or servant, (except such as are sick), nor any woman, to ride in the waggon or carriage aforesaid; nor shall force any constable or petty constable, by threats, to provide saddle horses for themselves or servants, nor shall force horses from the owners, by themselves, servants, or private men; every such officer, for every such offence, shall forfeit 5l.; proof thereof being made upon oath before two of his majesty's justices of the peace for the same county or riding, who are

are to certify the same to the proper paymaster of his majesty's marine forces, who is hereby required to pay the aforesaid 5l. according to order and appointment under the hands and seals of such justices of the peace; and is also hereby empowered to deduct the same out of such officer's pay. 27 G. 3. c. 3.

If any high constable, or petty constable, shall wilfully neglect or refuse to execute any such warrant of the said justice or justices of the peace, for providing carriages; or if any person or persons, appointed by such constable, or petty constable, to provide and furnish any carriage and man, shall refuse or neglect to provide the same; or any other person shall wilfully do any act or thing, whereby the execution of such warrant shall be hindered; every such person so offending, shall, for every such offence, forfeit any sum not exceeding $40s.$ nor less than $20s.$ to the use of the poor of the parish where such offence shall be committed: and all such offences may be enquired of, and fully determined, by two of his majesty's justices of the peace, dwelling in or near the place where such offence shall be committed; who have hereby power to cause the said penalty to be levied by distress and sale of the offender's goods and chattels, rendering the overplus (if any) to the owner.

The treasurer or treasurers of each county shall, without fee or reward, pay unto the constable all and every reasonable sum or sums of money by him laid out for carriages, over and above what ought to have been paid by the marine officer requiring them, out of the county stock.

If the said public stock of the county or riding be not sufficient, the justices, in the general quarter sessions, shall have power to raise monies upon the respective counties or ridings, in such manner as they now raise monies for building or repairing county gaols and bridges, to satisfy the said extraordinary charge of carriages.

No waggon or carriage, impressed by authority of this act, shall be liable or obliged, by virtue of this act, to carry above twenty hundred weight.

Carriages in Scotland shall be provided as was directed by the law in force in Scotland at the time of the union, with regard to the furnishing carriages for land forces.

If any officer, military or civil, by this act authorized to quarter soldiers, shall, at any time during the continuance of this act, quarter any of the wives, children, men or maid servants, of any officer or marine, in any such houses, against the consent of the owners; the party offending, if an officer of the marines, shall, upon complaint and proof thereof made to the lords commissioners of the admiralty, be *ipso facto* cashiered; and if a constable, tithingman, or other civil officer, he shall forfeit to the party aggrieved $20s.$ upon complaint

27 G. 3. c. 3.

plaint and proof thereof made to the next justice of the peace, to be levied, by warrant of such justice, by distress and sale of his goods, rendering the overplus to the party, after deducting reasonable charges in taking the same.

Penalty on officers and marines destroying the game, the same as under the article GAME. N. B. This clause was not in former act of 28 G. 2, c. 11.

Marines deserting are to be treated as deserting soldiers, (which article see), except that the account is to be transmitted to the secretary of the admiralty, instead of the secretary at war.

The reward for apprehending deserters is the same respecting a marine, as a soldier, which article see.

The penalty on persons concealing deserters, or receiving their arms, clothes, &c. is the same as in the case of soldiers.

The continuance of this act is for one year.

Offences against former acts, respecting marine forces, may be enquired of and punished as under this act.

No person shall be liable to be tried or punished for any offence committed against any of the said former acts, which shall appear to have been committed more than three years before the issuing of the commission or warrant for such trial; except only for the offence of desertion.

No volunteer as a marine shall be liable to process, unless for some criminal matter, or except for a real debt of the value of 20*l.* of which an oath must be made before a judge, and a memorandum thereof marked on the back of the process. If any person shall nevertheless be arrested contrary to the intent of this act, one or more judge or judges may examine into the same by the oath of the parties, or otherwise, and by warrant discharge such marine so arrested, without paying any fee or fees, upon due proof that such marine so arrested was legally enlisted as a marine, and arrested contrary to the intent of this act; and also may award to the party so complaining such costs as he or they shall think reasonable.

Instead of an arrest for a marine's just debt, it shall be lawful for any plaintiff, upon notice first given in writing of the cause of action, to file a common appearance in any action to be brought upon account of any debt whatsoever, so as to intitle such plaintiff to proceed therein, and to have an execution thereupon, other than against the body or bodies of him or them so entered as aforesaid.

No marine, being arrested or confined for debt, in any prison, gaol, or other place, shall be intitled to any part of his pay from the day of such arrest or confinement, until the day of his return to the regiment or company to which he shall belong.

Any constable, bedel, or other officer or person, who shall neglect or refuse, for the space of two hours, to quarter or billet such

such officers or marines, when thereunto required; provided sufficient notice be given before the arrival of such forces; or shall take money to excuse any person from quartering: and any victualler who shall refuse to receive marines so quartered or billeted, and shall be thereof convicted, before any one or more justice or justices of the peace of the county, city, or liberty, within which such offence shall be committed, by confession, or by the oath of one or more credible witness or witnesses, (which oath the said justice or justices is and are hereby empowered to administer), shall forfeit, for every such offence, not more than 5*l.* nor less than 40*s.* to be levied by distress and sale, by warrant to be directed to any other constable within the county, city, or liberty, or to any of the overseers of the poor of the parish where the offender shall dwell; and the said penalty, when levied, shall be paid to the overseers of the poor, or to some one of them, for the use of the poor of the parish where the offence shall be committed.

To prevent abuses in quartering, justices may order constables to give an account of the number of officers and private men, and where quartered, that he or they may be the better enabled to prevent or punish all abuses in the quartering or billeting of them.

ENLISTING.—The same as in the case of soldiers, see that article; except that the magistrate must, in this case, not be an officer of marines; and that the *second* and *third* sections of the articles of war, for the better government of his majesty's marine forces while on shore, were read to him or them, and that he or they had taken the oath of fidelity mentioned in the twelfth section of the said articles of war; and if any such person or persons, so to be certified as duly enlisted, shall refuse to take the said oath of fidelity before the said justice or chief magistrate, it shall and may be lawful for such officer, from whom he has received such money as aforesaid, to detain or confine such person or persons until he or they shall take the oath before required; and every officer of marines that shall act contrary hereto, or offend herein, upon proof thereof, upon oath by two witnesses, before a general court-martial, shall, for such offence, be forthwith cashiered, and be disabled to hold any civil or military office or employment within this kingdom, or in his majesty's service.

Where a sufficient number of marine officers cannot be conveniently assembled, or in matters wherein any of his majesty's land forces may be interested, officers of the land forces may be associated with the marine officers for the purpose of holding courts-martial; and proceed in the trial of any marine officer or private man, to all intents and purposes, as if such courts-martial were composed of marine officers only; and the officers

27 G. 3. c. 3.

of the marine and land forces are, in such cases, to take rank according to the seniority of their commissions in either service.

Marine forces being borne as part of the complement of any ships of war, are liable to be governed by the rules established by an act made in the twenty second year of the reign of his late majesty king George the second, intituled, an act for amending, explaining, and reducing into one act of parliament, the laws relating to the government of his majesty's ships, vessels, and forces by sea.

Northern Borders.

13 & 14 C. 2.
c. 22.

THE justices of Northumberland and Cumberland, may make order in sessions, for charging the respective counties, for securing the same against the moss-troopers (that is, thieves and robbers, who after having committed offences in the borders, escape through the wastes and mosses;) so as Northumberland be not charged above 500*l.* nor Cumberland above 200*l.* a year. And they may appoint a commander, with 30 men in Northumberland, and 12 men in Cumberland, to search for, pursue, and apprehend offenders.

13 G. 3. c. 31.

If any person against whom a warrant shall be issued by any justice in England, for any offence against the laws of England, shall escape or go into Scotland; the sheriff, or steward depute, or substitute, or any justice of the county or place where such person shall be, may indorse his name on the said warrant, to apprehend the person against whom such warrant is granted, and to convey him into the county or place in England (being adjacent to Scotland) in which the offence was committed, before a justice of such county or place, to be there dealt with according to law; in case the offence was committed in the county not next adjacent to Scotland, then to convey him into any county of England adjacent to Scotland, before a justice there; who shall proceed, with regard to such person, by indorsing the warrant, as by the 24 G. 2. c. 55. in like manner as if the person had been apprehended in the said county.

14.

And if any person, against whom a warrant shall be issued by any justice of the peace of Scotland, shall escape or go into England, any justice of the county or place where such person shall be, may indorse his name on the said warrant; to apprehend the person against whom such warrant is granted, and to convey him into the county or place in Scotland (being adjacent

cent to England) where the offence was committed, to be there dealt with according to law.

And the expence of removing prisoners as aforesaid, shall be repaid to the person defraying the same, by the treasurer of the county in England, or by the sheriff, or steward depute, or substitute, of the county in Scotland, in which the offence was committed; the amount of such expence being previously ascertained upon oath before two justices of such county, and allowed and signed by them. 13 G. 3. c. 31.

Nuisance.

A COMMON nuisance seems to be, an offence against the public, either by doing a thing which tends to the annoyance of all the king's subjects, or by neglecting to do a thing which the common good requires. 1 Haw. 197.

Annoyances to the prejudice of particular persons, are not punishable by a public prosecution as common nuisances, but are left to be redressed by the private actions of the parties aggrieved by them. Id.

If it is a public nuisance, the law hath provided an apt remedy, by presentment or indictment at the suit of the king, in the behalf of all his subjects. 1 Inst. 56.

Oaths.

IN all cases, where any penalty is directed to be levied, or distress to be made, by any act of parliament now in force, or hereafter to be made, it shall be lawful for any justice or justices, acting under the authority of such acts respectively, to administer an oath or oaths for the purpose of levying such penalties, or making such distresses. 15 G. 3. c. 39.

The person accused shall not be examined upon oath, for by the common law no man is obliged to accuse himself: but it seemeth convenient, in cases of felony especially, that the information, which the justices do take against the prisoner, be upon oath; otherwise, upon the trial of the prisoner, such information taken by the justice shall not be read or delivered to the jury, nor given in evidence against the prisoner upon his trial. Dalt. c. 111.

The information of the prosecutor or witnesses ought to be upon oath, although the statute doth not mention an oath; which information upon oath, being sworn on the trial to be

truly taken by the justice or his clerk, may be given in evidence against the prisoner, if the witnesses be dead or not able to travel.

Dalt. c. 66.

Where one justice may punish offenders upon accusation or proof generally, it seemeth that this must be by examination of witnesses; and though the statute doth not expressly set down that it shall be upon oath, yet it seemeth fit that the justice do it upon oath: yea in all other cases, wheresoever any man is authorized to examine witnesses, such authority to examine shall be taken and construed to be in such manner as the law requires, which is only by oath.

1 G. 2. c. 13.

Two justices may summon, by writing under hand and seal, any person whom they shall suspect to be dangerous or disaffected to the government, to appear before them, at a certain day and time therein to be appointed, to take the oaths of allegiance, supremacy, and abjuration: and if such person neglects or refuses to appear, then on due proof made on oath of the summons having been served on such person, or left at his dwelling house, or usual place of abode, with one of the family there, they shall certify the same to the next sessions, there to be recorded by the clerk of the peace. And if such person shall neglect or refuse to appear and take the oaths at the said sessions (the name of such person being publicly read at the first meeting of the said sessions) then such person shall be esteemed and adjudged a popish recusant convict; and the same shall be thence certified by the clerk of the peace into the chancery or king's bench, to be there recorded.

Oaths, &c in the Court of Session at Chester.

27 G. 3. c. 43.

BY this act, the justices of the court of session for the county palatine of Chester may, by one or more commission or commissions under the seal of the said county palatine, empower persons to take affidavits in causes depending therein, in like manner as the justices of his majesty's courts of king's bench, &c. use to do; and also the prothonotary, or his officiating deputy, may take such affidavits, &c. which shall be filed in the office of the prothonotary of the said county, and shall be of the same force and effect as affidavits taken in the said court now are: and all persons forswearing themselves, in such affidavits, shall be liable to the same penalties as for false affidavits in open court.

No person appointed a commissioner as aforesaid, nor the said prothonotary, or his deputy, shall take any affidavit within one mile of the castle of Chester, during the time of holding the session for the said county.

The justices of the said court may, by their commission, empower persons to take recognizances; and the fees to be paid for

for commissions to take recognizances shall be as follows: (to wit), the sum of 2s. for the fiat or warrant; 7s. 6d. for taking out the commission, besides the king's duty and parchment; 4s. for the seal; 5s. for taking every such acknowledgement; and 1s. for the swearing the affidavit of the due taking thereof.

The justices of the said court may make rules for justifying bail by affidavits before the commissioners: but the power of prothonotary, or his deputy, to take recognizances, shall not be affected by this act.

If any person shall represent another in entering into special bail, he shall be adjudged a felon, and shall incur the pains, penalties, and forfeitures, of an act of 4 W. & M. intituled, an act for taking special bails, &c.

Office.

NO persons shall be elected to any office of magistracy, place, or trust, relating to the government of cities, corporations, boroughs, cinque ports, and other port towns, who shall not have received the sacrament of the Lord's supper according to the rites of the church of England, within one year next before such election: and every person so placed or elected, shall take the oaths of allegiance and supremacy, at the same time that the oath of office is taken; which shall be administered by those, who by charter or usage administer the oath of office; and in default of such, by two justices of the corporation, if there be any such; or otherwise by two justices of the county. And in default thereof every such election and placing shall be void.—Which said justices abovementioned shall cause memorandums to be made of such oaths taken before them, and delivered once a year to the town clerk, or other register or clerk, who shall enter the same in their books. 13 C. 2. c. 1.
5 G. c. 6.

But generally there is a clause of indemnification in some act in almost every session of parliament, provided they qualify on or before a time in such act limited.

Every person who shall be admitted into any office, civil or military, or shall receive any pay by reason of any patent or grant from the king, or shall have any command or place of trust in England or in the navy, or shall have any service or employment in the king's household; shall, within three months after his admission, receive the sacrament of the Lord's supper, according to the usage of the church of England, in some public church on the Lord's day, immediately after divine service and sermon. And in the court where he takes the oaths (as hereafter mentioned, which shall be within 25 C. 2. c. 2.
fix

fix months after his admission) he shall first deliver a certificate of such his receiving the sacrament, under the hands of the minister and churchwardens, and shall then make proof of the truth thereof by two witnesses on oath. And they shall also, when they take the said oaths, make and subscribe the declaration against transubstantiation. All which shall be enquired of, and put upon record in the respective courts.

25 G. 2. c. 2.

And these, together with all ecclesiastical persons, heads and members of colleges, being of the foundation, or having any exhibition, of 18 years of age; and all persons teaching pupils; schoolmasters and ushers; preachers and teachers of separate congregations; high constables, and practisers of the law, shall, within six calendar months after such admission, take and subscribe the oaths of allegiance, supremacy, and abjuration, in one of the courts at Westminster, or at the general or quarter sessions of the place where he shall be or reside, between the hours of nine and twelve in the forenoon, and no other; and during the time of taking thereof, all proceedings in the said court shall cease.

By the 31 G. 2. c. 22, altered and explained by the 32 G. 2. c. 33, there are certain duties laid upon offices and pensions; and so much of the salaries of such offices, as ariseth from perquisites, is directed to be under the management of the commissioners of the land tax.

32 G. 2. c. 33.

By perquisites are meant such profits of offices and employments, as arise from fees established by custom or authority, and payable either by the crown, or the subjects, in consideration of business done in the course of executing such offices and employments.

31 G. 2. c. 22.

Where the profits of such offices shall arise from perquisites due and payable in the course of office, and not from salaries, fees, and wages paid by the crown, the same shall be under the management of the commissioners of the land tax, who shall ascertain, according to the valuation of such offices to the land tax, or otherwise according to their best judgment, the sum total of the perquisites arising from such office, distinct from the salary, fees, and wages thereof.

Pardon.

5 W. c. 13.

WHEN a pardon is pleaded by any one for felony, the justices may, at their discretion, remand him to prison till he enter into recognizance, with two sureties for his good behaviour, for any time not exceeding seven years.

Parliament.

Parliament.

THE oath of qualification for a seat in parliament, by 9 An. c. 5.
 estate, may be administered upon reasonable request made by the returning officer or two justices; who shall in three months certify the same into the chancery or king's bench.— But this is not to extend to the eldest son of a peer, or of any person qualified to serve as knight of a shire, nor to the members for either of the two universities.

No person shall be admitted to vote under the age of 21 7 & 8 W. c. 25.
 years.

Every elector of a knight of the shire shall have land or tenement to the value of 40s. by the year at least above reprises.—And by the 10 H. 6. c. 2. the said 40s. a year shall be freehold.

No person shall vote for a knight of the shire, without 13 G. 2. c. 18.
 having a freehold estate in the county, of the clear yearly value of 40s. over and above all rents and charges payable out of the same, on penalty of 40l.

No person shall vote for a knight of the shire, without *Id.*
 having been in the actual possession of the estate for which he votes, or in the receipt of the rents or profits thereof for his own use, above 12 calendar months; unless the same came to him by descent, marriage, marriage-settlement, devise, or promotion to a benefice or office.

The commissioners of the land tax shall cause to be delivered 20 G. 3. c. 17.
 to each assessor, a printed form of an assessment, who shall make three duplicates of such assessments, and shall (at least 14 days before delivering the assessment to the commissioners) cause one of the said duplicates, or a fair copy thereof, to be stuck up upon the door of the church or chapel. And if the name of any owner entitled to vote shall not appear to be inserted in the assessment, he may, on giving notice in writing to one of the assessors, appeal to the said commissioners, who shall amend the assessment as they shall see cause: and cause one of the duplicates so amended (after having been signed and sealed by the said commissioners, or any three of them) to be returned to the assessors; who shall, within ten days, deliver the same to the chief constable, taking his receipt for the same. And the chief constable shall deliver upon oath such duplicate, without alteration, at the next sessions, in open court, the first day of the sessions, to the clerk of the peace, to be by him filed and kept amongst the records.—And if the assessor shall not deliver such duplicate, so amended, to the chief constable; or if the chief constable shall neglect to deliver the same to the clerk of the peace, or wilfully alter the same; he shall forfeit

51. and if not immediately paid, the justices at the Michaelmas sessions shall, by order of the court, issue a warrant of distress.—But if the chief constable shall make oath at such sessions, that such duplicate was not delivered to him by the assessor, the said fine shall be imposed upon such assessor or assessors; and the justices shall, by order of court, issue a warrant of distress.—The said fines to be paid to the treasurer, and applied as part of the county stock.

20 G. 3. c. 17.

And when any assessment shall not have been made by the assessors and returned to the chief constable, and by him to the clerk of the peace; the justices in sessions, or any two justices out of sessions, may order such assessment forthwith to be made and returned in manner aforesaid.

And if any person shall think himself aggrieved, he may appeal to the justices at the next sessions, giving ten days notice thereof to one of the commissioners who signed the duplicate, and to one of the assessors of the place where the estate lies; and the sessions may award costs to either of the parties, and by their order or warrant levy the same by distress.

Id.

If the said commissioners, or the said justices in sessions, upon any appeal, shall insert the names of any persons who have been improperly omitted; such persons shall be deemed to be rated as effectually, as if the names of such persons had been originally inserted.

21 G. 3. c. 41.

If any commissioner or officer employed in the customs, excise, or stamp duties, or any branch of them, or any salt-officer, or surveyor, collector, or manager of the window duties, or the masters or mates of packets employed in carrying mails, shall vote at elections for knights of the shire, &c. while they hold, or within 12 calendar months after they shall have ceased to execute, any of these offices, such votes shall be null and void; and every person offending against this statute, shall forfeit the sum of 100*l.* one moiety to the informer, and the other to be paid into the hands of the treasurer of the county, to be applied by the justices, as they shall think fit, at the next general quarter sessions. But this act, and the penalties thereof, shall not extend to such persons as are commissioners of the land tax, or to any person acting by their appointment in assessing, collecting, or managing the land tax, or any other rates and duties imposed by authority of parliament.

2 G. 2. c. 24.

Before the returning officer shall proceed to the election, he shall, immediately after the reading of the writ, take and subscribe the following oath, to be administered by a justice of the peace or any three electors: *I A. B. do solemnly swear, that I have not, directly or indirectly, received any sum or sums of money, office, place, or employment, gratuity, or reward, or any bond, bill, or note, or any promise of gratuity whatsoever, either*

either by myself, or any other person to my use or benefit or advantage, for making any return at the present election of members to serve in parliament; and that I will return such person or persons as shall, to the best of my judgment, appear to me to have the majority of legal votes. Which oath shall be entered amongst the records of the sessions.

Partition.

IF the high sheriff cannot conveniently be present at the execution of any judgment in partition, in such case the under sheriff, in presence of two justices, may proceed to execution of the writ of partition. 38th W. c. 31.

Pawnbrokers.

PAWN BROKERS are allowed to take the following rate for their profit, viz. 27 G. 3. c. 37.

For 5s. lent on a pledge,	—	1d.
For 7s. 6d. lent on ditto,	—	1½d.
For 10s. lent on ditto;	—	2d.
For 12s. 6d. lent on ditto,	—	2½d.
For 15s. lent on ditto,	—	3d.
For 17s. 6d. lent on ditto,	—	3½d.
For 1l. lent on ditto,	—	4d.

And so on for any sum not exceeding 10l. to be paid for by the calendar month, including the current month, in manner above mentioned.

Where any intermediate sum lent upon any pawn or pledge shall exceed 2s. 6d. and not amount to 10l. the person lending the same may take, by way of profit, at and after the rate of 4d. and no more, for the loan of 20s. by the calendar month, including the current month, as aforesaid.

The party entitled to and applying for the redemption of goods pawned, within the space of seven days after the expiration of the first calendar month after the same shall have been pledged, shall be at liberty to redeem the same, without paying any thing by way of profit to the pawnbroker for the said seven days, or such part thereof as shall then have elapsed; but after the expiration of the said first seven days, and before the expiration of the first fourteen days of the second calendar month, the party so applying shall be at liberty to redeem such goods, upon paying the profit payable for one calendar

27 G. 3. c. 37.

month, and the half of another, to the pawnbroker; after the expiration of the said first fourteen days, and before the expiration of the said second calendar month, it shall be lawful for the pawnbroker to demand and take the profit of the whole second month; and so on in every subsequent calendar month wherein application shall be made for redeeming goods pawned.

All pawns shall be entered in books, if the same shall exceed 5s. before the money is advanced, with the day of the month, and year when the sum was lent, and the name and place of abode of the person or persons by whom such goods or chattels are so pawned, and also the name and place of abode of the owner or owners thereof, according to the information of the person pawning the same: where the money lent shall not exceed 5s. such entry shall be made within four hours next after the said goods shall have been pawned.

Pawnbrokers are to give a note describing things pawned, with the particulars of time, place of abode, and name of the party pawning, and the owner of the property so pawned.

Every such note, where the sum lent shall be less than 5s. shall be given gratis;

Where it is 5s. and less than 10s. — ½d.

For 10s. and under 20s. — 1d.

For 20s. and under 5l. — 2d.

For 5l. and upwards, — 4d.

Which note shall be produced to the pawnbroker before he or she shall be obliged to re-deliver the goods, except as herein-after is excepted.

If any person shall knowingly pawn, or unlawfully dispose of the goods or chattels of any other person or persons, not being employed by the owner so to do, and shall be thereof convicted by the oath of any credible witness, or by confession of the person charged with such offence, before any justice or justices of the peace for the county, or place where the offence shall be committed (which oath every such justice or justices is and are hereby impowered to administer), every such offender shall, for every such offence, forfeit 20s. and also the full value of the goods so pawned, such value to be ascertained by such justice or justices; and on non-payment forthwith, the justice or justices, before whom such conviction shall be had, shall commit the party so convicted to the house of correction, or some other public prison of the county, town, or place wherein the offender shall reside, or be convicted, there to remain, and be kept to hard labour for the space of not more than three calendar months, nor less than one, unless the said forfeitures shall be sooner paid. If within three days before the expiration of the said term of commitment the said forfeitures shall not be paid, the said justice or justices shall, and is and are hereby required to order, upon the application

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of the prosecutor or prosecutors, the person or persons so convicted to be publicly whipped in the house of correction or prison, to which the offender or offenders shall have been committed, or in some other public place of the county, town, or place, where the offence shall have been committed, as to such justice or justices shall seem proper. The forfeitures, when recovered, shall be applied towards making satisfaction to the party injured, and defraying the costs of the prosecution, as shall be judged reasonable by the justice or justices before whom such conviction shall be had; but if the party or parties injured shall decline to accept of such satisfaction and costs, or if there shall be any overplus, after making satisfaction and paying costs, then such respective forfeitures, or the overplus thereof, shall be paid to the overseers for the use of the poor of such parish or place. 27 G. 3. c. 37.

If any person or persons shall counterfeit, forge, or alter, or procure to be counterfeited, forged, or altered, any such note, or sell any such note as aforesaid, knowing the same to be counterfeited, forged or altered, with intent to defraud, every such person shall be punished as is herein-after mentioned; and any person to whom any note shall be uttered or offered, suspected to have been counterfeited, forged or altered, may seize and detain such person or persons uttering or offering the same, and deliver him, her, or them, into the custody of a peace officer, to convey such person or persons before some justice or justices of the peace for the county, or place wherein the offence shall be supposed to have been committed; and if it shall appear, to the satisfaction of such justice or justices, that the person or persons charged with having committed any such offence is or are guilty thereof, the said justice or justices shall commit the party or parties offending to the common gaol or house of correction, for any time not exceeding three calendar months, nor less than one, at the discretion of such justice or justices.

If any person or persons who shall offer any goods by way of pawn, shall not be able, or shall refuse to give a satisfactory account of himself, herself, or themselves, or of the means by which he, she, or they became possessed of such goods or chattels, or shall give any false information as to whether such goods or chattels are his, her, or their own property or not; or if there shall be any reason to suspect that such goods or chattels are stolen, or otherwise illegally obtained; or if any person or persons not entitled, nor having any colour of title by law to redeem goods or chattels in pledge or pawn, shall attempt or endeavour to redeem the same, any person or persons, his, her, or their servants, to whom such goods shall be so offered, or with whom such goods are in pledge, may seize and detain such person or persons, and the said goods or chattels,

27 G. 3. c. 37.

chattels, and deliver such person or persons immediately into the custody of a peace officer, to be conveyed, with the said goods or chattels so offered, before some justice or justices of the peace for the county, or place, wherein the offence shall be supposed to have been committed; and if such justice or justices shall, upon examination, have cause to suspect that the said goods were stolen, or illegally obtained, or that the person or persons offering and endeavouring to redeem the same shall not have any pretence or colour of right to redeem the same, such justice or justices may commit such person or persons into safe custody for such reasonable time as shall be necessary for the obtaining proper information on the subject, in order to be further examined: and if upon either of the said examinations it shall appear, to the satisfaction of such justice, or justices, that the said goods or chattels were stolen, or illegally obtained, or that the person offering or endeavouring to redeem the same hath not any pretence or colour of right so to do, the said justice or justices may commit the party or parties offending to the common gaol or house of correction of the county, or place, wherein the offence shall be committed, there to be dealt with according to law, where the nature of the offence shall authorize such commitment by any other law; and where it shall not authorize such commitment, then for any time not exceeding three, nor less than one calendar month, at the discretion of such justice or justices.

If the owner of any goods unlawfully pawned, shall make out, on oath, or by the oath of any credible witness, or, being a quaker, by solemn affirmation, before any justice or justices of the peace within his or their jurisdiction, that such owner hath had his, or her goods unlawfully obtained, and that there is just cause to suspect that any person or persons within the jurisdiction of any such justice or justices hath or have, knowingly and unlawfully, taken them to pawn, and shall make appear, to the satisfaction of any such justice or justices, probable grounds for such suspicion, any justice or justices, within his or their jurisdiction, may issue a warrant for searching, in the day time, the house, warehouse, or other place, of any such person or persons, who shall be charged on oath or affirmation as suspected to have knowingly and unlawfully received or taken in pawn any such goods, without the privity of the owner.

If the occupier of any house, warehouse, or other place wherein any such goods shall, on oath or affirmation, be charged or suspected to be, shall refuse to open the same, and permit the same to be searched, it shall be lawful for any peace officer, by warrant from a justice of the peace in the division, to break open any such house, warehouse, or other place, in the day time, and to search, as he shall think fit, for the goods or chattels suspected to be there, doing no wilful damage;

damage; and no pawnbroker, or other person, shall oppose or hinder any such search; and if upon the search of the house, warehouse, or other place of any such suspected person, any of the goods, so knowingly and unlawfully pawned, shall be found, and the property of the owner shall be made out, to the satisfaction of such justice or justices, by the oath of one or more credible witness or witnesses, or if quakers, by solemn affirmation, or by the confession of the person charged with any such offence, such justice or justices shall cause the goods so found, and unlawfully pawned, to be restored to the owner thereof.

27 G. 3. c. 37.

If any goods shall be pawned for securing any money lent thereon, not exceeding 10l. including the profit thereof, and if within one year after the pawning thereof, proof having been made on oath or affirmation by one credible witness, and by producing the note or memorandum directed to be given by this act, before any justice or justices, of the pawning or pledging of any such goods within the said space of one year, any such pawner who was the real owner of such goods, his or her executors, administrators, or assigns, shall tender unto the person who lent, on the security of the goods pawned, his executors, administrators, or assigns, the principal money borrowed thereon, and profit, according to the table of rates by this act established, and the person who took such goods or chattels in pawn, his executors, administrators, or assigns, shall thereupon, without shewing reasonable cause for so doing, to the satisfaction of such justice or justices, neglect or refuse to deliver back the goods so pawned, for any sum or sums of money, not exceeding the said principal sum of 10l. to the person who borrowed the money thereon, his or her executors, administrators, or assigns, then, on oath or affirmation thereof made by the pawner thereof, his or her executors, administrators, or assigns, or some other credible person, any justice of the peace for the county, or place, where the person who took such pawn, his executors, administrators, or assigns, shall dwell, on the application of the borrower, his or her executors, &c. is hereby required to cause such person who took such pawn, or his, or her, or their executors, &c. within the jurisdiction of the justice or justices, to come before such justice or justices; and such justice or justices is and are hereby authorized and required to examine on oath, or affirmation, as the case may require, the parties themselves, and other credible person, touching the premises; and if tender of the principal money due, and all profit thereof, shall be proved to have been made, (such principal money not exceeding the said sum of 10l.) by the borrower, within the said space of one year after pledging the goods or chattels, then on payment of such principal money, and the profit due thereon, and in case the lender shall refuse to accept thereof, on tender

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made by the borrower before any such justice or justices, such justice or justices shall, by order, direct the goods or chattels so pawned, forthwith to be delivered up to the pawner, or his or her executors, administrators, or assigns; and if the person who shall have lent any sum not exceeding 10*l*. shall neglect or refuse to deliver up, or make satisfaction for the goods proved to have been so pawned, any such justice or justices is and are hereby authorized and required to commit the party so refusing to the house of correction, or some other public prison of the county, &c. without bail, until he or she shall deliver up the goods so pawned, or make satisfaction for the value thereof.

Any person who shall produce any such note or memorandum as aforesaid, to the person or persons with whom the goods were pawned, as the owner thereof, or as authorized by the owner thereof, to redeem the same, and require a delivery of the goods, shall be deemed the real owner of such goods; and the pawnbroker shall, after receiving satisfaction pursuant to this act, deliver such goods to the person who shall produce the said note, and shall be indemnified for so doing, unless he or she shall have had previous notice not to deliver the same to the person or persons producing such note, or unless notice shall have been given that the goods pawned have been, or are suspected to have been, fraudulently or feloniously taken or obtained, and unless the real owner thereof proceeds in manner herein-after directed for the redeeming of goods pledged, where such note hath been lost, mislaid, or fraudulently obtained.—In every such case, the pawnbroker shall, at the request of any person who shall represent himself or herself as the owner of the goods in pledge, deliver a copy of the note so lost, mislaid, destroyed, or fraudulently obtained, with the form of an affidavit, printed or written, or in part printed and in part written, on the said copy, for which copy and form of affidavit, in case the money lent shall not exceed 10*s*. the pawnbroker shall receive 1*d*.; and in case the money lent shall exceed 10*s*. such sum as he is entitled to receive on giving the original note; and the person or persons having obtained such copy of the note and form of affidavit, shall prove his or her property in such goods, to the satisfaction of some justice of the peace for the county or place where the said goods shall have been pledged; and shall also verify on oath, or affirmation, before some justice of the peace, the truth of the circumstances mentioned in such affidavit or affirmation, such oath or affirmation to be authenticated by the justice before whom the same shall be made; whereupon the pawnbroker shall suffer the person proving such property to the satisfaction of such justice, on leaving such copy of the said note, and the said affidavit or affirmation, with the pawnbroker, to redeem such goods.

All

All goods and chattels which shall be pawned or pledged shall be deemed forfeited, and may be sold, at the expiration of one whole year; and all goods so forfeited, on which any sum above 10s. and not exceeding 10l. shall have been lent, shall be sold by public auction, but not otherwise, by the order of the person having the same in pawn, after the expiration of the said year; the name of the pawnbroker with whom the said goods were in pledge, to be inserted on two several days in some public newspaper, two days at least before the first day of sale, upon pain of forfeiting to the owner of the goods, for every offence, the sum of 5l.; and all persons redeeming any goods which were pawned before the 11th of July, 1787, shall be permitted so to do upon the terms of, and according to the table of rates established by, the act, which was passed in the 24th year of the reign of his present majesty, and on no other terms. 27 G 3. c. 37.

If any person entitled to redeem goods in pledge, shall, before the expiration of one year, give notice in writing to the person having the same in pledge, not to sell the same at the end of one year; such goods shall not be sold by the person having the same in pledge, until the end of three months from the expiration of the said year; during which term of three months, the owner shall have liberty to redeem the same, upon the terms provided by this act.

Pawnbrokers shall enter in a book, under a penalty of 10l. for neglect, a true and just account of the sale of all goods pawned for upwards of 10s. which shall be sold as aforesaid, expressing the day when, and the money for which, such goods were sold, with the name and place of abode of the auctioneer by whom the same were sold; and if any such goods shall be sold for more than the principal money and profit due thereon, the overplus shall be paid, on demand, to the persons by whom or on whose account such goods were pawned, or their executors, &c. in case such demand shall be made within three years after such sale, the necessary costs and charges of such sale being first deducted; the entry of every such sale to be inspected, on paying for such inspection 1d.; and in case any person shall refuse to pay such overplus, upon demand, every such person so offending shall, for every such offence, forfeit treble the sum such goods shall originally have been pawned for, to be levied by distress and sale, by warrant under the hands and seals of any two justices of the peace for the county or place where the offence shall be committed.

No pawnbroker shall purchase goods whilst they are in his custody, save and except at such public auction as aforesaid; nor shall any pawnbroker purchase, or receive or take any goods in pledge, of or from any person who shall appear to be under the age of 12 years, or to be intoxicated with liquor, or purchase, or take in pawn, the note of any other pawnbroker;

27 G. 3. c. 37.

broker; nor buy any goods or chattels in the course of his trade or business, before the hour of eight o'clock in the forenoon, or after seven in the evening, throughout the year; nor take in goods by way of pawn before eight in the forenoon, or after nine in the evening, between Michaelmas-day and Lady-day; or before seven in the forenoon, or after ten in the evening, during the remainder of the year, excepting only on the evenings of Saturday, and on the evenings preceding Good Friday and Christmas-day; nor shall any person or persons exercise or carry on the trade or business of a pawnbroker on any Sunday, Good Friday, or Christmas-day.

Every pawnbroker shall cause to be painted or printed, in large legible characters, the rate of profit allowed by this act, and also the various prices of the notes or memorandums to be given, and place the same in a conspicuous part or parts of the shop, so as to be visible to, and legible by, the persons pledging goods at such shop.

If any difference or dispute shall arise between persons pledging or redeeming, or offering to redeem, any goods or chattels, and the pawnbroker, every such difference or dispute, in case the original sum lent was under 40s. shall be settled and determined by any justice of the peace acting for the county or place, who is hereby authorized and required, upon application, to hear and determine the same, which determination shall be final.

Every pawnbroker shall cause to be painted or written, in large legible characters, over the door of his or her shop or other place made use of for carrying on that business, his or her christian and surname, and the word *pawnbroker* following the same, upon pain of forfeiting 10l. for every place so made use of for the space of one week, without such name, &c. so painted or written, to be recovered by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of any two justices of the peace acting within the county or place, (which warrant such justices are hereby authorized and required to grant), upon the confession of the party or parties, or upon the information of any credible witness or witnesses, upon oath or affirmation; and the said penalty, when the charges of recovering it shall be deducted, shall be paid, one half to the informer, and the other half to the use of the poor of the parish or place in which the offence shall be committed; and in case sufficient distress shall not be found, or such penalty shall not be forthwith paid, such justices are hereby required, by warrant under their hands and seals, to cause the offender or offenders to be committed to the county gaol or house of correction, for any time not exceeding three calendar months, nor less than 14 days, unless the said penalty,

nalty, and all reasonable charges, shall be sooner paid and satisfied. 27 G. 3. c. 37.

If any of the goods or chattels pawned as aforesaid have been sold before the time allowed by this act, or otherwise than according to the directions of this act, or have been embezzled, or have been rendered of less value than the same were at the time of pawning or pledging thereof, by or through the default or neglect of the person to whom the same were so pledged or pawned, it shall be lawful to and for every such justice and justices, to allow a reasonable satisfaction to the owner of such goods; and the sum so allowed shall be deducted out of the principal and profit: if the satisfaction to be allowed shall be equal to, or exceed the principal and profit, then the person to whom the same were so pledged, his or her executors, &c. shall deliver the goods or chattels so pledged to the owner or owners thereof, without being paid any thing for principal or profit, and shall also pay such excess, if any, to the person or persons entitled thereto, under the penalty of 10l. to be recovered and applied in manner herein-after mentioned.

Any justice, upon complaint made to him, on the oath or affirmation of one or more credible witness or witnesses, may summon the pawnbroker before him, to attend with any book or paper, which he or she may or ought to have in his or her custody, relating to the same; and in case such pawnbroker shall neglect or refuse to attend, or to produce the same, such pawnbroker shall forfeit 10l.

Where no forfeiture or penalty is provided or imposed on any particular or specific offence against any part of this act, the pawnbroker shall forfeit 5l.; and all forfeitures incurred by any offence against this act, may be levied by distress and sale of the goods of the offender, by warrant under the hand and seal or hands and seals of any justice or justices of the peace for the county or place where the offence shall be committed; half to the party complaining, and half to the overseers of the poor of the parish or place where the offence shall have been committed. Provided information shall be given of such offence or offences within twelve calendar months next after the offence committed.

The churchwardens and overseers of the poor of any parish where any offence shall be supposed to have been committed by any pawnbroker against this act, on having notice from a justice of the peace of such offence being supposed to have been committed, shall, and they are hereby required to prosecute every offender for every offence so to be suggested by such justice, at the expence of the parish.

This act is not to extend to persons lending money at 5l. per cent. without further profit.

Justices are not to have any fees or gratuities for any proceedings whatsoever in pursuance of this act.

27 G. 3. c. 37.

The provisos of this act are to extend to executors, &c. of pawnbrokers, except that no such executor or administrator of any such deceased pawnbroker shall be answerable for any penalty or forfeiture out of his or her own estate, unless the same shall be incurred and forfeited by his or her own act or neglect.

Any person molested or prosecuted for any thing by him done in pursuance of this act, may plead the general issue; and if a verdict shall pass for the defendant, or the plaintiff become nonsuited, such defendant shall have double costs.

Any inhabitant of the parish, town, or place, in which any offence or offences shall be committed against this act, shall be admitted to give evidence, notwithstanding his or her being an inhabitant of such parish, town, or place.

Form of conviction.—See the end of this work.

Such conviction to be transmitted to the next general or quarter session of the peace, to be filed and kept amongst the records; and in case any person so convicted shall appeal to the said general or quarter session, the justices are hereby required, upon receiving the said conviction drawn up in the form aforesaid, to proceed to the hearing and determination of the matter of the said appeal; and no certiorari shall be granted to remove any conviction, or other proceedings had thereon, in pursuance of this act.

If any person, convicted of any offence punishable by this act, shall think him or herself aggrieved by the judgement of the justice or justices before whom he or she shall have been convicted, such person shall have liberty to appeal to the justices at the next general or quarter session of the peace, and the execution of the said judgement shall in such case be suspended, the person so convicted entering into a recognizance at the time of such conviction, with two sufficient sureties, in double the sum which such person shall have been adjudged to forfeit, to prosecute such appeal with effect, and to be forthcoming to abide the judgement and determination of the justices in their said next general or quarter session, and to pay such costs as the said justices in such session shall award on such occasion; and the justices in the said general or quarter session are hereby authorized and required to hear and finally determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable to be paid by either party; and if the judgement shall be affirmed, such appellant shall immediately pay the sum which he or she shall have been adjudged to forfeit, together with such costs as the justices in the said general or quarter session shall award, for defraying the expences sustained by the defendant or defendants in such appeal, or in default of making such payment, shall suffer the respective pains and penalties by this act inflicted upon persons respectively, who shall neglect to pay the respective sums or forfeitures

forfeitures by this act to be paid by persons convicted by virtue of this act. 27 G. 3. c. 37.

This act is to continue and be in force for one year only from the first of June in the present year 1787; and shall be a public act; and be judicially taken notice of as such by all judges, justices, and other persons whatsoever.

Perfumery.

FROM July 5, 1786, the following duties are to be paid on the several wares and other articles herein-after mentioned: 26 G. 3. c. 49.

Every packet, box, bottle, phial, or other inclosure, containing any powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, liquors, or other preparation or composition whatsoever, commonly known by the name of sweet scents, odours, or perfumes; or by the name of cosmetics, which shall be vended or exposed to sale in Great Britain, mixed or unmixed with other materials or ingredients, shall be charged with a stamp duty according to the rates herein-after expressed; and also upon every packet, box, bottle, phial, or other inclosure, containing any dentifrice, powders, tinctures, or other preparation or composition whatsoever for the teeth or gums; and upon every roll, cake, or piece, packet, box, pot, or other inclosure containing any pomatum, ointment, or other preparation or composition for the hair; and also upon every packet, or other inclosure, containing any hair-powder, which shall be vended or exposed to sale in Great Britain, the price whereof shall exceed 2s. for the pound weight, shall be charged a stamp duty according to the rates herein-after expressed:

For every packet, &c. of perfumes, under 8d.

value, — — — 1d.

For every packet between 8d. and 1s. value, 1½d.

For every packet between 1s. and 2s. 6d. value, 3d.

For every packet between 2s. 6d. and 5s. value, 6d.

For every packet of 5s. value, or upwards, 1s.

The said several duties aforesaid to be levied and paid upon each and every packet, box, bottle, phial, or other inclosure, and upon each and every roll, cake, ball, or piece of such wares, or other article or articles aforesaid, which shall be vended or exposed to sale as aforesaid, according to the respective prices or values above rated.

And also, that for every packet of hair powder under 2s. per pound, shall be charged a stamp duty of 1d. for each pound.

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Nothing

26 G. 3. c. 49.

Nothing contained in this act shall extend to drugs, &c. liable to the duties imposed by 25 G. 3. c. 79; nor to common soap unmixed with perfumes.

Persons vending articles hereby taxed, are to pay 1s. annually for a licence.—The several duties herein granted are to be under the management of the commissioners of stamps.—The commissioners of stamps, or persons authorized by them, are to grant licences for a year, from the 5th of July, 1786, to be renewed annually ten days before they expire.—Persons selling articles liable to this duty, without a licence, forfeit 5l.

Every person vending or exposing to sale any such wares, or other article or articles as aforesaid, and licensed so to do by virtue of this act, shall, within the space of twenty days after such licence shall have been granted, cause the words *Licensed to deal in Perfumery*, to be painted or written in large and legible characters, either over the door, or in some visible place in the front of his or her house, shop, or warehouse, at the respective places at which he or she shall vend or expose to sale any such articles as aforesaid; on pain, for neglect of so doing, of forfeiting 5l.

Unlicensed persons fixing such notice on their houses, forfeit 20l.

Venders are to send to the commissioners, or to the officers appointed for that purpose, for stamped labels to paste on packets, &c. in such manner as the commissioners shall direct.

Persons selling packets, &c. without a stamped wrapper, or with one of a wrong denomination, forfeit 5l. to be recovered and applied as herein-after is directed.

It shall be lawful for any person who is a maker of hair powder, having duly made a true entry at any office of excise in Great Britain, as required by the several statutes in that case made and provided, to vend and sell to any person dealing in hair powder, and licensed in pursuance of this act, and for such licensed person to buy for sale any hair powder, the price whereof shall not exceed the rate of two shillings for the pound weight, and packed in any casks, chests, cases, bags, or other packages, each package whereof shall contain 224 pounds of such hair powder at the least, without affixing, or being required to affix, to the same, any cover, wrapper, or label, marked or stamped according to the directions of this act.

Every such maker of hair powder, as aforesaid, who shall vend or sell the same without stamps, shall keep one or more book or books, wherein he shall fairly enter in writing a true account of all such hair powder which shall be sold by him without stamps, and the name of the person to whom the same was so sold, and the particular days and times when the same

same was so sold; which book and books any officer or officers 26 G. 3. c. 49.
appointed by the said commissioners, or any three of them, for
that purpose, may, at all seasonable times, in the day-time,
examine, and take any copy or copies of the same, or of such
parts thereof as he or they shall think proper, without mo-
lestation, under the pain and penalty that every person offend-
ing in any of the particulars above mentioned shall, for every
such offence, forfeit 20l. to be recovered and applied as herein-
after is directed.

Persons selling wares, &c. subject to the aforesaid duties,
with the same label a second time, shall forfeit 10l.

Also persons selling or buying labels to be used a second
time, or buying or selling packets with such labels, forfeit
10l.

Five pounds per cent. discount is to be allowed, by the
commissioners, for prompt payment of the aforesaid duties.

Every person who shall vend or expose to sale any such
wares, or other articles as aforesaid, liable to the duties by
this act imposed, before he shall obtain a licence to vend or
expose to sale the same in pursuance of this act, shall give no-
tice in writing of the usual shop, house, or place, where he
shall vend or expose to sale the same, or intends so to do;
which notice shall be given or sent to the commissioners of
stamps, or to their officers next adjacent to the place where
such wares or other articles are vended or exposed to sale, or
intended so to be; and the like notice shall be given or sent
by every such person, as often as he shall change the places
where such goods and other articles are by him sold, or in-
tended to be sold; which notice shall contain the particular
shop, &c. and the particular room or apartment of the shop,
&c. wherein the same are so vended or exposed to sale, or in-
tended so to be, upon pain that every person making default
in giving notice as aforesaid, shall forfeit and pay 5l. to be
recovered and applied as herein-after is directed; and all such
wares, &c. subject to the duties hereby imposed, which shall
be kept ready for sale, or offered to sale, in any shop, &c.
whereof notice shall have been given or sent as aforesaid (ex-
cept such wares, and other articles aforesaid, which are parti-
cularly specified in a certain schedule to this act annexed;
and which are hereby allowed to be kept for sale, and ex-
posed to sale, in any such shop, &c. in bulk or other-
wise, without any stamped cover, wrapper, or label affixed
thereto, until the time of actual sale thereof,) shall be
deemed to require a cover, wrapper, or label, marked
thereon, in manner to be directed by the said commissioners as
aforesaid; and it shall be lawful for any officer or officers,
being thereunto authorized by the said commissioners, to enter
in the day time into any such shop, &c. or any room or apart-
ment

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ment whereof such notice shall have been given as aforesaid, and there to search and examine whether the said several wares, and other articles aforesaid, so kept ready for sale, or offered to sale, in such shop, &c. have respectively a cover, wrapper, or label duly affixed thereto, or to the inclosures containing the same, according to the directions of this act; and if such wares, &c. (except as herein excepted) shall be exposed to sale, or kept ready for sale, in any shop, &c. without any cover, wrapper, or label affixed thereto, or with a cover, wrapper, or label of less value than by this act is directed, or with a cover, wrapper, or label affixed thereto insufficiently, and contrary to the directions of the said commissioners, it shall be lawful for such officer and officers respectively, to affix, or cause to be affixed, to the said wares, &c. so exposed to sale, or kept ready for sale, or to the respective inclosures thereof, a cover, wrapper, or label marked and stamped as aforesaid, (to be supplied by the said officer or officers, if occasion shall require), in such manner as the said commissioners shall from time to time direct; and if the owner or vender thereof, or the person having the care thereof, shall not upon demand pay and discharge to the said officer and officers all such sums of money as shall have become due and payable by him, in respect of the stamps upon the said covers, wrappers, or labels so supplied as aforesaid, every such person shall, for every such offence, forfeit and pay 5*l.* over and above the said duties, to be recovered and applied as herein-after is directed.

Persons obstructing officers in the execution of their duty, forfeit 2*0*l.**

In case any covers, wrappers, or labels, shall be damaged in affixing the same, upon such wares, &c. or otherwise, so as to be rendered unfit for use, it shall be lawful for any person licensed in pursuance of this act, to bring such covers, wrappers, or labels, so marked and stamped as aforesaid, together with the wares or other articles to which the same shall have been affixed, to the commissioners for managing the stamp duties, or to the head officer appointed by them, and on oath (or solemn affirmation, in case such licensed person shall be a quaker), thereof made by such licensed person, to the satisfaction of the said commissioners or head officer so appointed (who are hereby authorized to administer such oath or solemn affirmation, and to examine into all circumstances relating to the damaging the same), that such covers, wrappers, or labels, so defaced or rendered unfit for the purpose intended, have not been used for any other purpose; and that none of them have been fraudulently rebought after the same have been sold; and that no money or other consideration hath been paid or given for the same, except the money first paid for such covers, wrappers, or labels; then, and in such case, the said commissioners are hereby required, after destroying such defaced covers,

covers, wrappers, or labels, to deliver to such licensed person ^{26 G. 3. c. 49.} other covers, wrappers, or labels, of the same denomination or value, without demanding or taking, for the same, any sum of money or other consideration whatsoever.

Persons selling articles subject to the duties herein mentioned, in any place not specified by notice, forfeit 5l.

Nothing in this act contained shall extend to the sale of any wares or other articles, by any licensed person as aforesaid, to any person in Great Britain for the purposes of exportation, where such wares and other articles so sold shall be, *bona fide* and without fraud, exported to foreign parts; and that, in every such case, the person or persons selling the same for exportation do, within three days after the sale thereof, give notice in writing to the said commissioners, or at the office of the distributor of stamps next adjacent to the place where he or they shall respectively reside, of all such wares or other articles aforesaid, which shall be so sold for exportation; which notice shall contain the quantities and denominations of all such wares or other articles aforesaid, and the name and names of the person or persons to whom the same are so sold, and the port from which the same are to be exported; and all such notices shall be filed by the said commissioners, or their officers, to whom the same are given and sent as aforesaid; and a certificate thereof, containing the like quantities and denominations of the wares or other articles, and also the names, persons and places expressed in such notices respectively, shall, if required, be made out under the hands of the said commissioners, or their officers aforesaid, and delivered gratis to the person or persons by whom such notices respectively were given or sent; and in all prosecutions of offenders for selling or buying any such articles contrary to the provisions of this act, every such certificate shall be legal evidence of notice, and of the quantities and denominations of the wares and other articles aforesaid expressed or contained therein.

Persons convicted of offences against this act, forfeit their licences; and for a renewal of such licence, after the first offence, shall give a bond for the penal sum of 100l.—and for a renewal of such licence after a second offence, the bond shall be for double the sum specified in the preceding bond.

The aforesaid duties are to extend to all articles included in the schedule annexed.

Persons counterfeiting stamps, or using stamps knowing them to be counterfeited, are guilty of felony.

Former powers relative to stamp duties are to extend to this act.

All pecuniary penalties hereby imposed, shall be divided and distributed (if sued for within the space of six calendar months from the time of any such penalty being incurred) in manner following; one moiety thereof to his majesty, and the other

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other moiety thereof to the person or persons who shall inform and sue for the same.

All pecuniary penalties imposed on any person or persons for offences committed against this act, shall be sued for and recovered, with full costs of suit, in any of his majesty's courts at Westminster, for offences committed in that part of Great Britain called England, the dominion of Wales, or the town of Berwick upon Tweed; and in his majesty's court of sessions, court of justiciary, or court of exchequer in Scotland, for offences committed in that part of Great Britain called Scotland, by action of debt, bill, plaint, or information.

No informer shall be intitled to his share of penalties, who does not prosecute within the time limited.

It shall be lawful for any justice of the peace residing near the place where the offence shall be committed, to hear and determine any offence against this act which subjects the offender to any pecuniary penalty; which said justice of the peace is hereby authorized and required, upon any such information exhibited at any time within six calendar months after such offence shall have been committed, to summon the party accused, and also the witnesses on either side, and shall examine into the matter of fact, and upon due proof thereof, either by the oath of the party, or by the oath of one or more credible witness or witnesses (which oath he is hereby empowered to administer), to give judgement for the penalty or forfeiture, according as in and by this act is directed; which penalties shall be divided and distributed, one moiety to the informer who shall prosecute for the same, and the other moiety (the necessary charges for the recovery thereof being first deducted), to his majesty; and to issue out his warrant, under his hand and seal, for the levying any such pecuniary penalties or forfeitures so adjudged on the goods of the offender, and to cause sale to be made thereof in case they shall not be redeemed within three days, rendering to the party the overplus, if any; and where sufficient goods cannot be found to answer the penalty, to commit such offender to prison, there to remain for three months, unless such penalty shall be sooner paid; and if any person shall find himself aggrieved by the judgement of such justice, then he may, upon giving security to the value of such penalty, together with such costs as shall be awarded, in case such judgement shall be affirmed, appeal to the justices at the next general quarter sessions for the county or place wherein the offence was committed, who are hereby empowered to summon and examine witnesses upon oath, and finally to determine the same; and in case the judgement shall be affirmed, it shall be lawful for such justices to award the person to pay such costs, occasioned by such appeal, as to them shall seem meet.

Witnesses

Witnesses neglecting to attend, forfeit 40 shillings.

For the form of conviction, see the end of this work.

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It shall be lawful for the said justice, where he shall see cause, to mitigate and lessen any such penalties, so as such mitigation do not reduce the penalties to less than one moiety of the penalties incurred over and above the costs and charges; and no such conviction shall be removed by *certiorari* into any court whatsoever.

The several duties herein-before granted, shall be paid into the hands of the receiver general of the duties on stamped vellum, parchment, and paper; who shall keep a separate account of the several rates and duties, and pay the same (the necessary charges of raising, paying, and accounting for the same, being deducted) into the exchequer, at such time and in manner as the duties now charged on stamped vellum, &c. are directed to be paid; and the said money, so paid into the exchequer, shall be carried to and made part of the fund commonly called the sinking fund, and shall be applicable to the same uses and purposes as the said sinking fund is, or by law may be applicable unto.

His majesty's shares of penalties are to be paid to the said receiver, and paid by him into the exchequer annually on August 13.

If any person shall, at any time, be sued or prosecuted for any thing by him done or executed in pursuance of this act, such person may plead the general issue, and give the special matter in evidence for his defence; and if upon the trial a verdict shall pass for the defendant, or the plaintiff become nonsuited, then such defendant shall have treble costs awarded to him against such plaintiff.

SCHEDULE FIRST

To which this act refers :

Containing the names of such articles as are subject to the duties by this act imposed.

Almonds,	-	-	Powder of
			Paste
			Soap
			Wash Balls
Amber,	-	-	Essence of
			Soap
			Wash Balls
Balsam	-	-	for the Hair
Bears	-	-	Grease
		N n	Bergamotte,

Perfumery.

Bergamotte,	-	-	so called
			Essence of
			Pomatums
			Wash Balls
			Water
Bouquet,	-	-	so called
			Essence of
			Powder
			Water
			Pomatums
Camphire	-	-	Wash Balls
Cedar,	-	-	Essence of
Citron,	-	-	Essence of
Civet,	-	-	so called
			Essence of
			Powder
Cypres,	-	-	so called
			Essence of
			Water
			Sweet Cypres Powder
			Cyprian Odoriferous Powder
Cithere	-	-	Water
Cream,	-	-	Cold, for the Face
			Beautifying, for Ditto
			White Cream Wash Balls
			Marble Ditto
Dentifrice,	-	-	so called
			Spence's Ditto
			Ruspini's Ditto
			Pearl Ditto
			Myrrh Ditto
			Vegetable Ditto
Dew,	-	-	Olympian
			Naples
Filberts,	-	-	Oil of
Flowers,	-	-	Essence of
Hair Powder,	-	-	so called
Honey	-	-	Water
Honey[suckles,]	-	-	Essence of
			Pomatums
Hyacinth,	-	-	Essence of
Jessamine,	-	-	Essence of
			Milk of
			Oil of
			Powder of
			Pomatums
			Syrup of
			Water
Jonquil,	-	-	Essence of

Jonquil,

Perfumery.

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Jonquil,	Water of
Lavender,	Pomatums
	Distilled Water
	Ditto from the Flowers
	Essence of
	Volatile ditto
	Powder of
	Pomatums
	Wash Balls
Lemon,	Essence of
Lillies,	Carnation of
	Milk of
	Powder of
	Wash Balls
Lime,	Essence of
Marechalle,	so called
	Powder of
	Duchesse
	French
	Pomatums
	Water
Mignonette,	Essence of
Millefleurs,	Essence of
	Powder of
	Pomatums
	Water
Musk,	Essence of
	Powder of
Myrrh,	Essence of
Myrtle,	Essence of
Ociffett,	so called
	Essence of
	Pomatums
	Powder
Orange,	Essence of
	Powder of
	Butter
	Pomatum
Orange Flower,	Essence of
	Powder of
	Pomatum
Paints,	Rouge
	Blanche
	Vegetable Rouge
	Serviette Rouge
Peach Kernels,	Powder of
	Royal Tincture of
Peach Blossoms,	Powder of
Pearl,	Essence of

N n 2

Pearl,

Perfumery.

Pearl,	-	-	Powder of
			Powder of Pearl of India
			Water
Paste,	-	-	Chinese
			Spermaceti
Pomatus,	-	-	Duchesse
			French
			Flora
			Italian
			Common, hard and soft
			Scented
			Pomade de Nerole
			Pomade de Grasse
			Royal Pomatum for the Face
			Sweet Storax Pomatum
Powders,	-	-	A la Reine
			Aromatic
			Artois
			Bloom
			Devonshire
			Black
			Brown
			Grey
			Orris
			Orleans
			Pink
			Red
			Yellow
			Scented
			for the Face
			Chinese Face Powder
			Royal Powder
			Sangwine's powder for the teeth
			Shaving Powder
Pulville,	-	-	so called
Rhodium,	-	-	so called
			Essence of
Roses,	-	-	Essence of
			Cream of
			Vegetable Cream of
			Milk of
			Odour of
			Liquid Bloom of
			Powder of
			Pomatus

* N. B. Several attempts have been made to levy the penalties of this act on Druggists, selling this article *per se*, without a stamp; but they have not succeeded; nor indeed is it reasonable that they should; as it evidently appears, that, having been already subject to taxation as a drug, it cannot again be taxable, till it is mixed with hair powder,

Savon,

Perfumery.

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Savon, -	Royal
Savonette, -	de Grasse
Soap, -	Alicant
	Bath
	Cake
	Improved
	Jerusalem
	Joppa
	Italian
	Naples
	Perfumed
	Venice
Sweet Briar, -	Essence of
	Powder of
Tinctures, -	for the Teeth
	Greenough's ditto
	Ruspini's ditto
Thyme, -	Essence of
-Tuberose, -	Essence of
	Pomatum
	Water
Violet, -	Essence of
	Powder of
	Fargeon's Powder of
	Pomatus
	Water
Wash Balls, -	Circassian
	Chemical
	Italian
	Marble
	Queen's Marble
	Royal Cyprian
Washes, -	Venetian Bloom
	Turkish
Waters, -	Perfumed
	Carmes
	Cologne
	Italian Hair Water
	Miss in her Teens
	Suave
	Sans Pareille
	Vento's Italian Water
Wool, -	China
	India
	Spanish.

SCHEDULE

SCHEDULE SECOND

To which this act refers:

Containing the names of such articles, liable to the duties by this act imposed, which are allowed to be kept for sale in bulk, or otherwise, without any stamped cover, wrapper, or label, affixed thereto, until the time of actual sale thereof.

Almond Paste
Almond Powder
Bears Grease
Cold Cream
Italian square hard Soap
Naples soft Soap
Perfumed and coloured Hair Powder, above
the Price of 2s. per Pound Weight
Rouge in Pots
Wash Balls of all Sorts.

Perjury and Subornation.

1 Haw. 172.
3 Inst. 164.

PERJURY of the common law seemeth to be a wilful false oath, by one, who being lawfully required to depose the truth in any judicial proceeding, swears absolutely, in a matter material to the point in question, whether he be believed or not.

1 Haw. 177.

Subornation of perjury, by the common law, seems to be an offence, in procuring a man to take a false oath, amounting to perjury, who actually taketh such oath.

5 El. c. 9.

As to subornation of perjury, by the statute, every person who shall unlawfully and corruptly procure any witness to commit any wilful and corrupt perjury, in any matter or cause depending in suit and variance, in chancery, or in any court of record; or shall unlawfully and corruptly procure or suborn any witness, which shall be sworn to testify *in perpetuam rei memoriam*, shall forfeit 40*l.* half to the king, and half to the party grieved, who shall sue for the same. And if he has not lands or goods worth 40*l.* he shall be imprisoned half a year, and stand on the pillory one whole hour in some market town next adjoining to the place where the offence was committed, in open market there, or in the market-town itself where the offence

offence was committed. And he shall be disabled to be a witness in any court of record.

And as to perjury, if any person either by subornation or otherwise, shall wilfully and corruptly commit any wilful perjury, by his deposition in any of the courts before mentioned, or being examined *ad perpetuam rei memoriam*, he shall forfeit 20*l.* in like manner, and be imprisoned six months; and if he has not goods worth 20*l.* he shall be set on the pillory in some market place within the shire, city, or borough, where the offence was committed, by the sheriff or head officer respectively, and have both his ears nailed. And he shall be forever disabled to be a witness in any court of record. 5 El. c. 9.

And the judge of the court where the perjury shall be, and the judges of assize, and justices of the peace in sessions, may enquire, hear, and determine thereof, by inquisition, presentment, bill, or information, or otherwise. 1*l.*

Petition.

NO person shall solicit above 20 hands to any petition to the king, or either house of parliament, for alteration of matters established by law in church or state, unless the matter thereof hath been consented to by three or more justices of the county, or by the major part of the grand jury at the assizes or sessions; or if arising in London, by the lord mayor, aldermen, and common council; nor shall present any such petition accompanied by more than 10 persons, on pain of a sum not exceeding 100*l.* and three months imprisonment, on conviction at the assizes or sessions in six months, and proved by two witnesses. 13 C. 2. c. 5.

Pewter and other Metals.

THE master and wardens of the craft of pewterers, and where there are none such, the head and governors of the city or borough, may appoint searchers; and the justices at Michaelmas sessions shall appoint two persons, having experience therein, to search within the county: and of all unlawful pewter or brass which they shall find, half shall be to the king, and half to the searchers. 19 H. 7. c. 6.

No person using the crafts of pewterer and brazier, shall sell or change any pewter or brass, at any place, but only in open fair or market, or in his own dwelling house, except he be desired 1*l.*

21 G. 3. c. 69.

desired by the buyer of such ware; on pain of 10*l.* half to the king, and half to him who shall seize or sue.

Every person who shall buy or receive any pewter pot, or other pewter, knowing the same to be stolen, &c. shall, on conviction, although the principal felon has not been convicted of stealing the same, be transported as a felon for seven years, or be detained in prison, and therein kept to hard labour, for any time not exceeding three years, nor less than one year; and within that time (if such court shall think fitting) such offender or offenders shall be once, or oftener, but not more than three times, publicly whipped.

Pillory and Tumbrel.

3 Inst. 219.

SEEING the judgment to the pillory or tumbrel doth make the delinquent infamous, the justices of the peace should be well advised before they give judgment of any person to this punishment, unless they have good warrant for that judgment therein. Fine and imprisonment, for offences fineable by them, is a fair and sure way.

Plague.

9 An. c. 2.

WHEN quarantine shall be appointed, the justices of the counties adjoining, or one of them, shall forthwith cause watches to be kept by day and night, in the most proper and convenient places, within the several adjacent parishes; who shall not permit any person whatsoever to come on shore from, or go on board any ships under quarantine, except only such as shall have the charge of seeing the quarantine duly performed, or such as shall be licensed by such person having charge of the quarantine.

26 G. 2. c. 6.

And if any superintendant of the quarantine, or watchman, shall neglect his duty, he shall be guilty of felony without benefit of clergy.

9 An. c. 2.

If any person shall come on shore, or go aboard any other ship, the persons appointed for seeing quarantine duly performed, may compel him to return and continue during the quarantine; and such person so leaving such ship, and being thereof (after expiration of the quarantine) convicted by oath of one witness, before one justice near, shall forfeit not exceeding 20*l.* to be paid immediately to such justice, who may reward the informer thereout not exceeding a third part, and pay

pay the remainder (charges deducted) to the poor of the parish where the conviction shall be; and in default of payment, he may commit him to the house of correction, to be kept to hard labour not exceeding one month.

When any part of Great Britain, Ireland, Guernsey, Jersey, Alderney, Sark, or Man, France, Spain, Portugal, or the Low Countries shall be infected, the king, by proclamation, may prohibit all small boats and vessels under the burden of 20 tons, from sailing out of port, till security be first given by the master, to the satisfaction of the principal officer of the customs, or chief magistrate of the port, by bond to the king with sureties, in the penalty of 300*l.* that he shall not go to or touch at any place mentioned in the proclamation; and that the master and every mariner and passenger shall, during the time aforesaid, not go on board any other vessel at sea; and that he shall not permit any person to come on board such boat or vessel at sea; and shall not receive any goods out of any other vessel; for which bond no fee shall be taken. And if such boat or vessel shall sail before such security given, the same, together with the tackle and furniture, shall be forfeited to the king; and the master and every mariner therein, being thereof convicted, on his appearance or default, on oath of one witness, by one justice where the offender shall be found, shall forfeit 20*l.* half to the informer, and half to the poor of the parish where the offender shall be found, by distress; and for want of sufficient distress, shall be committed to prison for three months.

26 G. 2. c. 6.

Whenever the king, with the advice and consent of parliament, shall direct lazarets to be provided, for receiving of persons obliged to perform quarantine, or for airing of goods, it shall be lawful to erect the same, either in any waste grounds or commons, or where there are not sufficient, in the several grounds of any person whatsoever, not being a house, park, garden, orchard, yard, or planted walk, or avenue to a house, paying for the same as shall be agreed on between the persons interested, and any two persons appointed by the king under his sign manual; and if they cannot agree, then the said two persons shall, 30 days before the sessions, give to the occupier a notice in writing, describing the quantity of ground, and purporting that the consideration for the same will be settled by a jury at such sessions. And the justices there, on proof of such notice, shall charge the jury which shall attend there (or some other jury to be then and there impanelled and returned by the sheriff without fee) and cause them to be sworn, well and truly to assess the value of such grounds, to whom the parties may have their challenges; and the verdict of the said jury, and the judgment of the justices thereupon, shall be conclusive, and finally bind all parties; and thereupon the king shall hold such grounds for such term as he shall judge necessary,

necessary, paying for the same such rent or other consideration as shall be so assessed.

12 G. 3. c. 57.

The lords of the treasury may contract for an absolute purchase of such land, messuages, and tenements, to be vested in the crown unalienably: and if the parties cannot agree, the price shall be settled at the sessions as aforesaid, on giving like notice to the owner.

1 J. c. 31.

The mayor, head officers, and justices of the peace of every city, borough, town-corporate, and places privileged, or any two of them, may assess every inhabitant, and all houses of habitation, lands, tenements, and hereditaments, for the reasonable relief of persons infected with the plague, or inhabiting in infected houses, and levy the same by warrant; and if the party assessed shall refuse to contribute, and the parties to whom the warrant is directed shall not find any goods to levy the same, then upon return thereof, they shall by warrant cause the person to be arrested, and committed to gaol till he shall pay.

14.

If the inhabitants of such place shall find themselves unable to relieve all such persons, or if the infection shall be in a town where there are no justices, or in a village or hamlet, then two justices of the county may assess the inhabitants of the county, within five miles of the place infected, at such weekly sums as they shall think fit, for the reasonable relief of persons infected; to be levied by their warrant by sale of goods, and in default thereof, by imprisonment as aforesaid.

26 G. 2. c. 6.

After quarantine performed, and on proof thereof by the oaths of the master and two other persons of the ship, or by the oaths of two credible witnesses before the customer, comptroller, or collector of that or the next port, or their deputies, or a justice near, and that the vessel and every such person are free from infection; and after producing a certificate thereof signed by the chief officer who superintended the quarantine; such officer of the customs, together with the said justice, shall give a certificate thereof (gratis), and thereupon the vessel and every such person shall be liable to no farther restraint.

14.

All goods liable to quarantine shall be opened and aired, as by such orders shall be directed; and after such order hath been complied with, and a certificate thereof given by the chief officer appointed to superintend the quarantine and airing of such goods, and proof made thereof by the oaths of two witnesses before the customer, comptroller, or collector of the next port, or any of their deputies, or any justice living near; on certificate and return of such proof by such custom-house officer to the commissioners of the customs, they, or two of them, by their order shall discharge the same.

14.

And if any person shall take any fee for such oath, order, or certificate, he shall forfeit 100*l.* half to the king, and half to him that shall sue.

And

And if any superintendant of the quarantine, or watchman, shall in such case give a false certificate; he shall be guilty of felony without benefit of clergy. 26 G. 2. c. 6.

Players.

EVERY person who shall for hire, gain, or reward, act, or cause to be acted, any play or other entertainment of the stage, or any part therein, if he shall have no legal settlement where he acts, without authority from the king or the lord chamberlain, shall be deemed a rogue and vagabond within the 12 An. (which act is repealed; but the same is re-enacted by the 17 G. 2. c. 5.)—Or otherwise he shall forfeit 50*l.* in which case he shall not also suffer as a vagrant. 10 G. 2. c. 28. *Id.*

The penalties may be recovered in the courts at Westminster; or before two justices, by the oath of one witness, or confession, to be levied by distress; and for want of sufficient distress, the offender to be committed to the house of correction, not exceeding six months, to be kept to hard labour; or to the common gaol, not exceeding six months, without bail or mainprize: persons aggrieved by order of the justices may appeal to the next sessions: the said penalties to be distributed, half to the informer, and half to the poor.

But by special acts of parliament playhouses are permitted to be erected in particular places.

Any house, room, garden, or other place kept for public dancing, music, or other entertainment of the like kind, in London, or within 20 miles thereof, without licence, (except the theatres of Drury-lane, Covent-garden, the Hay-market, and other entertainments exercised by letters patent or licence of the crown, or of the lord chamberlain) shall be deemed a disorderly house or place, and the keeper thereof shall forfeit 10*l.* See GAMING, p. 122. 25 G. 2. c. 36.

Polygamy.

IF any person within his majesty's dominions of England and Wales, being married, shall marry any person, the former husband or wife being alive; such offence shall be felony (but within clergy). 17. c. 11.

This act shall not extend to any person, whose husband or wife shall be continually remaining beyond the seas, by the space of seven years together. *Id.*

Nor to any person whose husband or wife shall absent him or herself, the one from the other, by the space of seven years together, in any part of his majesty's dominions, the one of them not knowing the other to be living within that time. *Id.*

17 G. 2. c. 38. Nor to any person who shall be, at the time of such marriage, divorced by sentence in the ecclesiastical court.

1 H. H. 692. On a prosecution upon this statute, the first and true wife is not to be allowed as a witness against the husband; but it seems clear that the second wife may be admitted to prove the second marriage, for she is not his wife so much as *de facto*.

Poor.

17 G. 2. c. 38. IF any person shall be aggrieved by any thing done or omitted by the churchwardens and overseers, or by any of his majesty's justices of the peace, he may, giving reasonable notice to the churchwardens or overseers, appeal to the next general or quarter sessions, where the same shall be heard, and finally determined; but if reasonable notice be not given, then they shall adjourn the appeal to the next quarter sessions; and the court may award reasonable costs to either party, as they may do by 8 and 9 W. in case of appeals concerning settlements.

Appointment of Overseers, with their Duty thereupon.

43 El. c. 2.

THE churchwardens of every parish, and four, three, or two substantial householders there, as shall be thought meet, having respect to the greatness of the parish, to be nominated yearly in Easter week, or within one month after Easter, under the hand and seal of two or more justices of the peace in the same county, (1 2.) dwelling in or near the parish or division, shall be called overseers of the poor of the same parish.

Id.

If any overseer shall die, or remove, or become insolvent, before the expiration of his office, two justices (on oath thereof made) may appoint another in his stead.

Id.

And if in any place there shall be no such nomination of overseers as is before appointed, every justice of the division shall forfeit 5l. to the poor of such place, to be levied by the churchwardens and overseers, or one of them, by distress, by warrant from the sessions.

Str. 1004.

An extraparochial place, not having the reputation of a ville, is not liable to maintain its own poor.

Str. 1261.

Overseers must be described, in pursuance of the words of the statute, 'as substantial householders in the said parish.'

17 G. 2. c. 38.

The overseers thus appointed, and taking upon them the office, shall within 14 days receive the books of assessments and of accounts, from their predecessors, and what money and materials shall be in their hands, and reimburse them their arrears.

And

And they shall take order from time to time, with the consent of two such justices as afore said, for setting to work the children of all such whose parents shall not, by the said churchwardens and overseers, or the greater part of them, be thought able to keep and maintain them; and also for setting to work all such persons, married, or unmarried, having no means to maintain them, and using no ordinary and daily trade. Which said churchwardens and overseers, or such of them as shall not be let by sickness or other just excuse, to be allowed by two such justices, shall meet at least once a month, in the church, on Sunday in the afternoon, after divine service, there to consider of some good course to be taken, and order to be set down in the premises: upon pain that every one of them absenting themselves without lawful cause, from such monthly meeting, or being negligent in their office, shall forfeit for every default 20s. to the poor; to be levied by some or one of the churchwardens and overseers, by warrant from two such justices, by distress; or in defect thereof, any two such justices may commit the offender to the common gaol, there to remain without bail or mainprize, till the said forfeiture shall be paid. Provided that if any person shall be aggrieved by any act done by the said churchwardens and other persons, he may appeal to the general quarter sessions, whose order therein shall bind all parties.

43 Ed. c. 2.

289 H. 8.

Of Persons having no Settlement.

WITHIN 40 days after any poor persons shall come to settle in any tenement under 10l. a year, two justices (1 Q.) may remove them to the place where they were last legally settled. Unless they give sufficient security for discharge of the parish, to be allowed by the said justices.

13 & 14 C. 2.
c. 12.

If any person, who shall come into any parish or place there to reside, shall at the same time procure, bring, and deliver to the churchwardens or overseers of the parish or place, or to any of them, a certificate, under the hands and seals of the churchwardens and overseers of any other parish, or the major part of them, or of the overseers where there are no churchwardens; to be attested by two or more credible witnesses; thereby owning and acknowledging the person mentioned in the said certificate to be an inhabitant legally settled in that parish, township, or place; every such certificate, having been allowed of and subscribed by two justices of the place, shall oblige the said parish or place, from which the certificate shall come, to receive and provide for the person mentioned in the said certificate, together with his family, as inhabitants of that parish, whenever they shall happen to become chargeable to,

8 & 9 W. c. 30.

to, or be forced to ask relief of, the parish, township, or place, to which the certificate was given: and then, *and not before*, it shall be lawful for such person, and his children, though born in that parish, not having otherwise acquired a legal settlement there, to be removed, conveyed, and settled in the parish or place from whence such certificate was brought.

9 & 10 W. c.
11.

No person, who shall come into any parish by such certificate, shall be adjudged by any act whatsoever to have procured a legal settlement in such parish, unless he shall really and *bona fide* take a lease of a tenement of the yearly value of 10*l.* or shall execute some annual office in such parish.

12 An. st. 1. c. 18

If any person shall be an apprentice or a hired servant to any person who came into any parish by means of a certificate, and hath not afterwards gained a legal settlement there; such apprentice or servant shall not be adjudged thereby to have any settlement in such parish.

3 G. 2. c. 29.

The witnesses who attest the execution of the certificate by the churchwardens and overseers, or one of the said witnesses, shall make oath before the justices who are to allow the same, that such witness or witnesses did see the churchwardens and overseers of the poor, whose names and seals are thereunto subscribed and set, severally sign and seal the said certificate; and that their names are of their own proper hand-writing: which said justices shall also certify, that such oath was made before them. And every such certificate so allowed, and oath of the execution thereof so certified by the said justices, shall be allowed, in all courts whatsoever, and received as evidence, without other proof thereof.

Certain general Rules concerning Certificates.

A Parish cannot be compelled to grant a Certificate.

A Certificate is not binding, unless signed by the Justices.

*Burrell's Sett.
case 581.*

THE justices are not obliged ministerially to allow and sign a certificate. They have a discretion to allow it, or not to allow it, if it be liable to objection. And if it is not a certificate within the act (which it is not, unless properly signed) it cannot conclude the parish.

A Certificate extends

8 & 9 W. c. 30.

NOT only to the certificate man himself, but likewise to all his family and all his children, whether born before or *after* the certificate.

A certi-

A Certificate is conclusive against the Parish certifying.

BECAUSE a certificate is a solemn acknowledgment whereby the party is owned to be legally settled there; and as all other parishes on this certificate are bound to receive him, so the parish that certifies is concluded as to all other parishes. 2 Salk. 535.

A Certificate is not binding against a subsequent Settlement.

A CERTIFICATE promising to receive the persons whenever they become chargeable, is not conclusive against a settlement obtained afterwards; for though it be according to the agreement between the parishes, yet a private agreement in this respect shall not alter the law. 3 Salk. 253.

A Certificate is not restrictive from gaining a Settlement in a third Parish.

A CERTIFICATE provides for the security of that parish only, into which the certificate persons came to reside by virtue of such certificate; but doth not exclude a certificate person from gaining a settlement in another parish, in the same manner as any other person may do. Burrow's Settlement Case 186.

A Certificate is discharged by an Estate of a Man's own.

A MAN may not be removed from his own, whether it come to him by descent, devise, or purchase; and continuing thereon 40 days, he shall thereby gain a settlement, provided that, in case of purchase, the consideration paid amount, *bona fide*, to the sum of 30l. 9 & 10 W. 2. 11.
9 G. c. 7.

• Appendix, No. 59.

A Certi-

A Certificate is discharged by a Removal.

Burrow's Settl.
Cases 373.

THE law is so far from looking upon a Certificate as continuing after an order of removal, that the pauper cannot return to the place from which he was removed, without incurring a penalty.

A Certificate is discharged by the Pauper's deserting it.

Id. 527.

THE certificate act says, that the apprentice shall not gain a settlement in the parish to which his master came by certificate. But if this apprentice hath gained an intermediate settlement, he ought to be sent to that settlement which he hath intermediately gained.

Of Settlement by Birth.

Of Bastards.

A BASTARD child is *prima facie* settled where born: and this was the antient genuine settlement: but this rule admits of divers exceptions.

Cases of S. 66.

If a woman comes into a place by privity and collusion of the officers where she belongs, and is there delivered of a bastard, such bastard gains no settlement, notwithstanding its birth.

3 Salk. 66.

If a woman big with child of a bastard, and settled in one parish, is persuaded to go into another, and there be delivered; this fraud will make the parish chargeable where the mother was settled, though the child was not born there.

Cases of S. 66.

If a bastard is born under an order of removal, and before the mother can be sent to the place of settlement, being hindered by water or otherwise, such bastard shall not be settled where so born, but at the mother's settlement.

Id.

If the officers are carrying a woman by virtue of an order of removal, and she be delivered on the road *in transitu*, the bastard shall go with the mother where she is going, by virtue of the order, notwithstanding the birth.

17 G. 2. c. 5.

Where any woman, wandering and begging, shall be delivered of a child in any parish or place to which she doth not belong, and thereby shall become chargeable to the same, the churchwardens or overseers may detain her till they can safely convey

convey her to a justice of the peace. And if such woman shall be detained and conveyed to a justice as aforesaid, the child of which she is delivered, if a bastard, shall not be settled in the place where so born, nor be sent thither by a vagrant pass; but the settlement of such woman shall be deemed the settlement of such child.

A child born in the house of correction, shall be sent to the place of its mother's settlement. *2 Bulstr. 353.*

A bastard born in a lying-in-hospital, shall follow the mother's settlement. *13 G. 3. c. 82.*

If a woman come into a parish by certificate, and be there delivered of a bastard, that child shall not be included in the certificate as part of the family, but shall be settled where born. *Seff. C. V. 2. 170.*

Yet it seems, that the bastard child shall go with the mother for nurture till seven years, and be maintained at the charge of the parish where it was born. See case of Darlington, *H. 17 G. 3.*

Of legitimate Children.

THE father's settlement is the settlement of the children, when it can be found out; otherwise the birth of the child *prima facie* is the settlement of the child, until there is another settlement found out. If they cannot find out the legal settlement of the father, the birth is the settlement of the child. The settlement by birth is only *quousque* they find the father's settlement; and if they never can find that, it is absolute upon them. *Folty. 265.*

Of the Settlement of Children with their Parents.

THE birth of legitimate children doth not give them a settlement, except where the settlement of their father and mother is not known, and then only till it is known. *Folty. 269.*

A child of seven years of age may be bound apprentice to a shipwright, fisherman, owner of a ship, or other person using the trade of the seas; and by the vagrant act of the 17 G. 2, a vagrant's child of that age may by the justices be put out an apprentice: and as soon as he shall have resided and lodged in a parish for 40 days under the indenture, he will have thereby gained a settlement. So that the precise time when a person may have gained a settlement in his own right is at the age of seven years and 40 days. *5 El. c. 5.*

Where a father gains a second settlement after the birth of his child, that settlement is immediately communicated to the child. *Str. 580.*

child. And a child may be sent to the place of his father's settlement, without ever having been there before.

3 *Salk.* 259.

The place where a bastard is born is the place of his settlement, unless there is some trick to charge the parish; but the place where legitimate children are born is not the place of their settlement; for let that be where it will, the children are settled where their parents are settled.

Sir. 580.

Though the place of the birth of a child, where the father hath no settlement, is the place of the settlement of the child, yet where the father hath gained a settlement, his children, though born in another parish, shall be looked on as settled at the place of their father's last legal settlement, and shall be removed thither, as well after the death of their father, if occasion requires, as in his life-time, supposing they have gained no settlement of their own.

19 *Viner.* 382.

If the father dies before the child is born, yet the child shall be settled where the father was settled before his death.

Foley. 254.

If a widow, by renting 10l. a year, gains a new settlement, her children are settled with her.

L. Raym. 1473.

But if a woman marry again to a man settled in another parish, her children by her former husband must go with her for nurture, yet they are no part of her second husband's family; and therefore gain no settlement in the parish where the father-in-law is settled.

3 *Salk.* 259.

Those under seven years of age shall be kept at the charge of the other parish, where their father whilst living was settled; and to that parish they may be sent after seven years old, as to the place of their lawful settlement.

Burrow's Settl. Cas. 482.

The child's settlement follows that of its father, if the father's can be found; and no recourse shall be had to the mother's settlement, till that of the father can be traced no further.

Holt, Ch. J.

Where a child is first known to be, that parish must provide for it, till they find another.

Of Settlement by Apprenticeship.

33 & 14 C. 2.
c. 12.

ON complaint by the churchwardens or overseers of the poor, within 40 days after any person shall come to settle in any parish, on any tenement under 10l. a year, two justices (1 2.) may remove him to the place where he was last legally settled, either as a native, householder, sojourner, apprentice, or servant, for the space of 40 days at the least.

1 J. 2. c. 17.

The said 40 days shall be reckoned, not from the time of his coming to inhabit, but from the time of his delivering notice in writing: and by 3 W. c. 11. not from the time of delivering such notice, but from the time of the publication of such notice in the church.

If

If any person shall be bound an apprentice by indenture, and inhabit in any town or parish, such binding and inhabitation shall be adjudged a good settlement, though no such notice in writing be delivered and published. *3 W. c. 11.*

If any person, after June 24, 1713, shall be an apprentice bound by indenture to any person residing under a certificate, in any parish, and not afterwards having gained a legal settlement in such parish, such apprentice, by virtue of such apprenticeship, shall not gain any settlement in such parish. *12 An. s. 1 c. 13*

No person who shall have been bound an apprentice, by any deed, writing, or contract, not indented, being first legally stamped, shall be liable to be removed from the place where he was so bound and resident 40 days, by any order of removal, or order of sessions, by reason only of such writing not being indented. *31 G. 2. c. 11.*

An apprentice may gain a settlement, whilst his master, not renting 10l. a year, gains none. In such case, the master being removed, may apply to the justices to compel the apprentice to go with him. *Burn.*

If the master runs away, the apprentice is not sufficiently *sui juris* to hire himself, nor can he gain a settlement till his indentures be legally cancelled. *Cases of S. 155.*

Of Settlement by Service.

If any unmarried person, not having child or children, shall be lawfully hired into any parish or town for one year, such service shall be adjudged and deemed a good settlement therein. *3 W. c. 11.*

No such person so hired as aforesaid, shall be adjudged or deemed to have a good settlement in any such parish or township, unless such person shall continue and abide in the same service during the space of one whole year. *8 & 9 W. c. 30.*

If any person after June 24, 1713, shall be a hired servant with any person who did come into, or shall reside in any parish, township, or place, by means or licence of a certificate, and not afterwards having gained a legal settlement in such parish, township, or place; such servant shall not gain any settlement in such parish, township, or place, by reason of such hiring or service, but shall have his settlement as if he had not been an hired servant to such person. *12 An. s. 1. c. 13.*

If a man, who has a daughter married and settled elsewhere, hires himself for a year, and serves the year, he gains a settlement by the service, though not strictly a *single* man. *Cases of S. 7.*

N. B. Though the case here alluded to is that of a daughter married and settled elsewhere, it should seem equally clear in the case of a son, or sons, that have obtained a legal settlement elsewhere, previous to the father's obtaining a new settlement by the service of a year, under a legal hiring for a year.

2 Salk. 527.

If a man hired for a year marries, having served half a year, the marriage doth not hinder the service; if the man performs the service, he gains a settlement.

Cases of S. 80.
Burrow's Set.
Cas. 243.

All hiring for a few days, short of a year, for the purpose of avoiding a settlement, will be considered as fraudulent; and the service will be allowed to make a good settlement. Less than 40 days residence in any parish will not gain a settlement: but if the contract be for a year, and the service be performed (suppose at sea, or in distant journies) the residence need not be 40 days successively; it is sufficient if within the year he resides 40 days in the whole.

Id. 256.

Where there is a hiring for a year, and a service for a year, and a continuance under the same service, it is sufficient to gain a settlement; and such settlement must be in the parish where it was performed the last 40 days.

Of Settlement by Marriage.

M. 33. G. 2.

THE settlement of a woman in her husband's parish, being a minor, and not having obtained the consent of his parents or guardians, set aside in the case of K. and Tenham.

Cases of S. 89.
Aythorp, Roding
and White Rod-
ing.

A woman marrying a husband, who hath a known settlement, shall follow the husband's settlement.

A wife can gain no settlement, separate and distinct from her husband, during the coverture.

M. 3. G. 2.

A woman marrying a husband, that hath no known settlement, doth not lose her former settlement, which she had before marriage.

Of Settlement by continuing 40 Days after Notice.

1 J. 2. c. 17.

THE 40 days continuance of a person in a parish, to make a settlement, shall be accounted from the time of his delivering notice in writing, of the house of his abode, and the number of his family, if he have any, to one of the churchwardens or overseers of the parish to which he shall remove.

3 W. c. 11.

Which said notice in writing, the said churchwarden or overseer shall read, or cause to be read, publicly, immediately after divine service, in the church or chapel, on the next Lord's day, when there shall be divine service in the same. And the said churchwarden or overseer shall register or cause to be registered, the said notice in writing, in the book kept for the poor's account.

Id.

And if any churchwarden or overseer shall refuse or neglect to read, or cause to be read, such notice in writing as aforesaid, he shall (on proof thereof by the oath of two witnesses before one justice) forfeit for every offence 40s. to the party grieved, by distress, by warrant directed to the constable of the parish or town where the offender dwells; and for want of sufficient distress,

distress, the said justice shall commit him to the common gaol for one month. And if any churchwarden or overseer shall refuse or neglect to register, or cause to be registered, such notice in writing; he shall, on the like conviction, forfeit 40s. to the use of the poor of the parish or town where the offender dwells, to be levied as aforesaid; and for want of sufficient distress, then the said justice shall commit him as aforesaid, for the time aforesaid.

N. B. No soldier, seaman, shipwright, or other artificer, or workman in his majesty's service, shall have any settlement in any parish, port-town, or other town, by delivering and publication of notice in writing, unless the same be after a dismissal out of the service.

All persons not removable may become settled without giving notice, the notice being only intended where the person is removable.

When this notice given in writing has been omitted, the court has held all constructive notices to be no legal settlement, such as, attending the leet, amending the highways, and doing watch and ward.

Of Settlement by paying Parish Rates.

FORTY days inhabitancy shall gain a settlement.

Such 40 days are to be reckoned from the delivering of notice in writing, and from the publication of such notice in the church.

But if any person, who shall come to inhabit in any town or parish, shall be charged with, and pay his share, towards the public taxes or levies of the said town or parish, he shall be adjudged to have a legal settlement in the same, though no such notice in writing be delivered and published.

But persons residing under a certificate, shall gain no settlement by being rated to and paying any such levies, taxes, or assessments.

Payments for the repair of the church, the relief of the poor, and the land tax, have been adjudged sufficient to gain a settlement: but no payment for the repair of the highways, or of the county-bridges, or of the duties on houses and windows, shall make a good settlement.

Where the tenant is assessed to, and pays the land tax, tho' it be afterwards allowed by the landlord, and deducted out of

3 W. c. 11.

Burn.

Str. 853.

13 & 14 C. 2.

c. 12.

17. 2. c. 17.

3 W. c. 11.

Id.

9 & 10 W.

c. 11.

Burrow's Sett.
Case 75.

* N. B. In many instances the landlord is assessed by name though the tenant pays the land tax, in confidence that it will be allowed him: in which case, the notoriety of such a person's inhabitancy is lost; and it should seem that there is no ground on which to establish a legal settlement.

the

the rent, the tenant hereby gains a settlement: which is supposed to turn on the notice of inhabitancy, that arises from the party's being assessed and paying the tax, which is considered as tantamount to notice in writing.

Of Settlement by serving a Parish Office.

3 W. c. 11.

IF any person, who shall come to inhabit in any town or parish, shall for himself, and on his own account, execute any public and annual office or charge in the said town or parish, during one whole year, he shall be adjudged to have a legal settlement in the same, though no such notice in writing be delivered and published.

9 & 10 W. c. 11.

No person, who shall come into any parish by certificate, shall be adjudged by any act whatsoever, to have procured a legal settlement in such parish, unless he shall really and bona fide take a lease of a tenement of the yearly value of 10l. or shall execute some annual office in such parish, being legally placed in such office.

Viner Settl.

To serve the office of constable as deputy to another, doth not gain a settlement, though it be served a year: for, by the words of the act, he must serve the office *for himself, and on his own account.*

Burrow's Settl.
Case 244.

He must also be legally placed in his office, by taking the oaths which belong to it. It must appear to the court, how he came into his employment or office.

Of Settlement by renting 10l. a Year.

Burrow's Settl.
Case 571.

THE act (9 & 10 W. c. 11.) doth not require a person renting a tenement of 10l. a year, to occupy it; it is enough if he rents it, and resides 40 days in the parish. The ground the act goes upon, is a person's having credit sufficient to hire a tenement of that value.

If the tenement is under 10l. a year, the justices, upon complaint within 40 days, have power to remove the person coming thither to reside; if it is not under 10l. a year, they have no power to remove him; and continuing upon the same unremovable for 40 days, he thereby gains a settlement.

Of Settlement by a Person's own Estate.

9 & 10 W. c. 11.

NO certificate person shall gain a settlement, but by renting 10l. a year, or executing an annual office.

But,

But, where a person has an estate for life, or an estate of inheritance of his own, *that* gains him a settlement, though less than 10l. a year; for he cannot be removed; and if he cannot be removed, he certainly gains a settlement.

Foley. 257.

Where a man lives upon his own, it is a case of a very tender nature, and the law will not unsettle him: persons to be removed under the statute of C. 2. are those that wander from place to place, and not those who live upon their own estate.

Burrow's Settl. Case 7.

No person shall be deemed to acquire any settlement in any parish or place, by virtue of any purchase of any estate or interest in such parish or place, whereof the consideration for such purchase doth not amount to the sum of 30l. *bona fide* paid, for any longer or further time than such person shall inhabit in such estate, and shall then be liable to be removed to such parish or place where he was last legally settled before the said purchase and inhabitancy therein.

9 G. c. 7.

A person may not be removed from his own, although not settled thereby, be the value ever so small, or let him come to it in what manner soever.

Burrow's Settl. Case 412.

A certificate person shall gain a settlement by an estate of his own, notwithstanding the above-said statute of the 9 & 10 W.

If an estate descends to a certificate person, it gains him a settlement, because it is by operation of law, and not by an act of his own.

Burrow's Settl. Case 205.

Having land in a parish will not make a settlement, but living in a parish where one has land, will gain a settlement without notice; for the act never meant to banish men from the enjoyment of their own lands.

2 Salk. 524.

Of Removals.

IT shall be lawful, upon complaint made by the churchwardens or overseers of the poor of any parish, to any justice of the peace, within 40 days after any poor person comes to settle in any tenement under the yearly value of 10l. for any two justices of the peace (one whereof is of the quorum) of the division where any person that is likely to become chargeable to the parish shall come to inhabit, by their warrant to remove and convey such person to such parish where he was last legally settled, unless he give sufficient security for the discharge of the said parish, to be allowed by the said justices.

13 & 14 C. 2. c. 12.

And if such person shall refuse to go, or shall not remain in such parish where he ought to be settled, but shall return of his own accord to the parish from whence he was removed, one justice may send him to the house of correction, there to be punished as a vagabond.

14.

All

17 G. 2. c. 5.

All persons who shall unlawfully return to such parish or place from whence they have been legally removed by order of two justices, without bringing a certificate from the parish or place whereunto they belong, shall be deemed idle and disorderly persons; and one justice may commit them (being thereof convicted before him, by his own view, or by their own confession, or by the oath of one credible witness) to the house of correction, there to be kept to hard labour for any time not exceeding one month.

13 & 14 C. 2.
c. 12.

And if the churchwardens and overseers of the parish to which he shall be removed, refuse to receive such person, and to provide work for him, as other inhabitants of the parish; any justice of that division shall bind any such officer in whom there shall be default to the assizes or sessions, there to be indicted for his contempt in that behalf.

3 W. c. 11.

If any person be removed by virtue of this act, by warrant of two justices; the churchwardens or overseers of the poor of the parish or town to which such person shall be removed, are required to receive the said person: which if he or they shall refuse to do, the person offending, on proof by the oath of two witnesses, before one justice of the place to which the person shall be removed, shall forfeit for each offence 5l. to the use of the poor of the parish or town, from which such person was removed: to be levied by distress, by warrant to the constable of the parish or town where such offender dwells; and for want of sufficient distress, the said justice shall commit the offender to the common gaol for 40 days.

Str. 1092.

Though the complaint may be to one justice, yet the examination ought to be by two, and those the same who sign the order of removal.

Burn, *Poor removal*, vol. iii,
p. 498.

And, *most undoubtedly*, the justices ought to be *both together* at the hearing and determining; though the practice in many places is otherwise.

1 Salk. 406.

After an order and adjudication is made, that the same may appear upon record afterwards, in order to charge the parish, the most regular way for the justices to proceed is to make a record of the complaint and adjudication, and upon that to make a warrant to the churchwardens and overseers, to convey the persons to the parish to which they ought to be sent, and deliver in the record by their own hands into court the next sessions, to be kept there amongst the records.

8 & 9 W. c. 30.

If any person, who shall come into any parish or place, there to reside, shall deliver a certificate to one of the churchwardens or overseers there, such certificate shall oblige the parish or place granting the same, to receive and provide for the person mentioned in the said certificate, together with his family, as inhabitants of that parish, whenever they shall happen to become chargeable to, or be forced to ask relief of, the parish, township, or place, to which such certificate was given;

given; and then, *and not before*, it shall be lawful for any such person, and his children, though born in that parish, not having otherwise acquired a legal settlement there, to be removed, conveyed, and settled in the parish or place from whence such certificate was brought.

When any overseer or other person shall remove back any persons or their families, residing under a certificate, and becoming chargeable, to the parish or place to which they shall belong, such overseer or other person shall be reimbursed such reasonable charges as they may have been put unto in maintaining and removing such persons, by the churchwardens or overseers of the place to which such persons are removed; the said charges being first ascertained and allowed of by one or more justices for the county or place to which such removal shall be made; which said charges so ascertained and allowed, shall, in case of a refusal of payment, be levied by distress and sale of the goods of the churchwardens and overseers of the place to which such certificate person is removed, by warrant of such justice or justices.

3 G. 2. c. 29.

All persons who think themselves aggrieved by any such judgment of the said two justices, may appeal to the justices of the peace of the said county, at their next quarter sessions, who shall do them justice according to the merits of their cause.

13 & 14 C. 2. c. 12.

The appeal against any order of removal of any poor person, shall be had, prosecuted, and determined, at the general or quarter sessions of the peace for the county, division, or riding, wherein the parish, township, or place, from whence such poor person shall be removed doth lie, and not elsewhere.

8 & 9 W. c. 30.

N. B. In case of an order of removal from a town corporate, the appeal must be to the sessions of the county; and not *ab eodem ad eundem*, the same justices probably sitting who made the order.

2 Salk. 490.

Cases of Settl. 10.

No appeal from any order of removal shall be proceeded upon, unless reasonable notice be given by the churchwardens or overseers of the parish or place appealing, unto the churchwardens or overseers of the parish or place from which the removal shall be; the reasonableness of which notice shall be determined by the justices at the quarter sessions to which the appeal is made; and if it shall appear to them, that reasonable time of notice was not given, they shall adjourn the appeal to the next quarter sessions, and then and there finally determine the same.

9 G. c. 7.

On all appeals to the sessions against the judgment or orders of any justices of the peace, the justices there shall cause defects of form to be rectified and amended, without any cost to the party, and after such amendment shall proceed to hear the truth and merits of the cause.

5 G. 2. c. 19.

And for the more effectual preventing of vexatious removals and frivolous appeals, the justices in sessions upon any appeal

8 & 9 W. c. 30.

concerning the settlement of any poor person, or upon any proof before them there to be made, of notice of any such appeal to have been given by the proper officers to the churchwardens or overseers of any parish or place (though they did not afterwards prosecute such appeal) shall at the same sessions order to the party in whose behalf such appeal shall be determined, or to whom such notice did appear to have been given, such costs and charges in the law, as by the said justices in their discretion shall be thought most reasonable and just; to be paid by the churchwardens, overseers, or any other person, against whom such appeal shall be determined, or by the person that did give such notice; and if the person ordered to pay such costs, shall live out of the jurisdiction of the said court, any justice where such person shall inhabit, shall on request to him made, and a true copy of the order for the payment of such costs produced, and proved by some credible witness on oath, by his warrant cause the same to be levied by distress; and if no such distress can be had, shall commit such person to the common gaol, there to remain by the space of 20 days.

9 G. c. 7.

If the justices shall at their quarter sessions, upon an appeal before them there had, concerning the settlement of any poor person, determine in favour of the appellant, that such poor person was unduly removed, they shall, at the same quarter sessions, order and award to such appellant, so much money, as shall appear to the said justices to have been reasonably paid by the parish or other place on whose behalf such appeal was made, towards the relief of such poor person, between the time of such undue removal, and the determination of such appeal; the said money so awarded, to be recovered in the same manner as costs and charges upon an appeal are to be recovered by the statute just mentioned.

Foley. 276.

An order of two justices, if quashed at the sessions upon an appeal, for want of form only, is not conclusive between the two parishes.

1 Vent. 310.

It was moved for setting aside an order of sessions confirming an order of two justices upon appeal. But the court would hear nothing of the merits of the cause, the order of sessions being in that case final, unless there had been an error in form.

Of the Poor Rate, and other Helps towards their Relief.

43 El. c. 2.

THE churchwardens and overseers of the poor of every parish, or the greater part of them, shall raise weekly or otherwise (by taxation of every inhabitant, parson, vicar, and other, and

and of every occupier of lands, houses, tithes impropriate, appropriations of tithes, coal mines, or saleable underwoods in the said parish) a convenient stock of flax, hemp, wool, thread, iron, and other ware and stuff, to set the poor to work; and also competent sums for the necessary relief of the lame, impotent, old, blind, and such other among them being poor as are not able to work, and also for the putting out poor children apprentices.

Where there shall be any dispute in what parish or place improved wastes, and drained and improved marsh lands lie, and ought to be rated; the occupiers of such lands, or houses built thereon, tithes arising therefrom, mines therein, and saleable underwoods, shall be rated to the relief of the poor, and to all other parish rates, within such parish and place which lies nearest to such lands; and if on application to the officers of such parish or place to have the same assessed, any dispute shall arise, the justices at the next sessions after such application made, and after notice given to the officers of the several parishes and places adjoining to such lands, and to all others interested therein, may hear and determine the same on the appeal of any person interested, and may cause the same to be equally assessed, whose determination therein shall be final. 17 G. 2. c. 37.

The churchwardens and overseers shall cause public notice to be given in the church, of every rate for relief of the poor, allowed by the justices, the next Sunday after such allowance; and no rate shall be reputed sufficient to be collected, till after such notice given.—And they shall permit any inhabitant to inspect such rate at all seasonable times, paying 1s. and shall give copies on demand, being paid 6d. for every 24 names.—And if any churchwarden or overseer shall not permit any inhabitant to inspect, or refuse to give copies as aforesaid, he shall forfeit 20l. to the party grieved. 17 G. 2. c. 38.

If a person shall be aggrieved by any assessment, or shall have any material objection to any person's being put in or left out of such assessment, or to the sum charged on any person or persons therein; he may, giving reasonable notice to the churchwardens or overseers, appeal to the next sessions for the county, riding, division, corporation, or franchise; but if reasonable notice be not given, then they shall adjourn the appeal to the next quarter sessions after. 17 G. 2. c. 38.

On all appeals from rates, the justices shall amend the same, without altering such rates, with respect to other persons mentioned in the same; but if upon an appeal from the whole rate, it shall be found necessary to set aside the same, then they shall order a new rate to be made.—And the court may award costs to either party, as in cases of settlement by the 1d.

8 & 9 W.

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True

- 17 G. 2. c. 38. True copies of the rates shall be entered in a book, by the churchwardens and overseers, within 14 days after all appeals from such rates are determined; and they shall attest the same, by putting their names thereto; and they shall be delivered over from time to time, to the new churchwardens and overseers, as soon as they enter into their offices, to be preserved and produced at the sessions when any appeal is to be heard.
- 43 Eliz. c. 2. It shall be lawful as well for the present as subsequent churchwardens and overseers, or any of them, by warrant from any two such justices, one whereof is of the quorum, to levy the said sums, and all arrearages, of every one that shall refuse to contribute according as they shall be assessed, by distress and sale.
- 17 G. 2. c. 38. And if sufficient distress cannot be found within the county, on oath made thereof before a justice of any other county, the goods may be levied in another county or precinct.
- 43 El. c. 2. In defect of such distress, it shall be lawful for two such justices to commit such person to the common gaol, there to remain without bail or mainprize, until payment of the same.
- 17 G. 2. c. 38. Where persons shall come into, or occupy any premises, out of which any other person assessed shall be removed, or which at the time of making such rate was unoccupied; every person so removing from, or coming into, or occupying the same, shall be liable to pay such rate, in proportion to the time that such person occupied the same respectively, under the like penalty of distress, as if such person so removing had not removed, or the person coming in or occupying had been originally assessed in such rate; which proportion, in case of dispute, shall be ascertained by two justices.
- Id.* If there has been any irregularity of proceeding in the parties distraining, and tender of amends hath been made by the said parties before an action is brought, no plaintiff shall recover in any action for such irregularity.
- Id.* And if any person shall neglect to pay to such overseers, the succeeding overseers shall levy the arrears, and shall reimburse their predecessors the same which are allowed to be due to them in their accounts.
- 43 El. c. 2. If the justices perceive that the inhabitants of any parish are not able to levy among themselves sufficient sums for the purposes aforesaid, then the said two justices (1 Q.) shall tax, rate, and assess as aforesaid any other of other parishes, or out of any parish within the hundred, to pay such sums to the churchwardens and overseers of the said poor parish, as the justices shall think fit.
- Id.* The father and grandfather, mother and grandmother, and children of every poor, old, blind, lame and impotent person, or other poor person not able to work, being of a sufficient ability, shall at their own charges relieve and maintain every such poor person, in that manner, and according to that

that

that rate, which by the justices of that county where such sufficient persons dwell, in their sessions shall be assessed; on pain of 20s. a month: which penalty shall go to the use of the poor of the same parish, and be levied by some or one of the churchwardens or overseers, by warrant from two such justices (1 Q.) by distress; or in defect thereof, any two such justices may commit the offender to the common gaol, there to remain without bail or mainprize, till the said forfeitures shall be paid.

Where any wife, child, or children, shall be left by their husband or parents, it shall be lawful for the churchwardens or overseers, by warrant of two justices, to take and seize so much of the goods and chattels, and receive so much of the annual rents and profits of the lands and tenements of such husband, father, or mother, as such two justices shall order and direct, towards the discharge of the parish or place where such wife, child, or children are left, for the bringing up and providing for such wife, child, or children; which warrant or order being confirmed at the next quarter sessions, it shall be lawful for the justices there, to make an order for the churchwardens or overseers to dispose of such goods or chattels by sale or otherwise, or so much of them, for the purposes aforesaid, as the court shall think fit, and to receive the rents and profits, or so much of them as shall be ordered by the said sessions, of his or her lands and tenements, for the purposes aforesaid. 5 G. c. 8.

And the said churchwardens and overseers shall be accountable to the justices at the quarter sessions for all such money as they shall so receive. 14.

All persons running away out of their parishes, and leaving their families upon the parish, shall be deemed and suffer as incorrigible rogues. See the article *Vagrants*. 7 J. c. 4.

By 17 G. 2. c. 5. these offenders are ranked in a less criminal class, and are to be punished only as rogues and vagabonds. See the said article *Vagrants*.

If a person doth but threaten to run away, and leave his wife and children upon the parish; he shall, on conviction, before one justice by confession, or oath of one witness, be committed to the house of correction, for any time not exceeding one month. 17 G. 2. c. 5.

Of the Relief and ordering of the Poor.

THE churchwardens and overseers, with the consent of two justices (1 Q.) shall take order from time to time, for setting to work the children of all such whose parents shall not by the said churchwardens and overseers, or the greater part of them, be 43 E. c. 2.

be thought able to keep and maintain their children; and for setting to work all such persons, married or unmarried, having no means to maintain them, and using no ordinary and daily trade; and for the necessary relief of the lame, impotent, old, blind, and such other among them being poor, and not able to work.

43 *El. c. 2.*

And the said justices, or one of them, shall send to the house of correction, or common gaol, such as shall not employ themselves to work, being appointed thereunto as aforesaid.

9 *G. c. 7.*

Two or more parishes, townships, or places may join (with the approbation of any justice in or near such parish, &c. signified under his hand and seal) in purchasing, hiring, or taking any house or houses for the lodging, keeping, and maintaining of the poor of the said parishes; the major part of the inhabitants assembled in vestry and consenting, and notice being first given of such public meeting for this purpose.

Id.

The churchwardens and overseers of one parish, &c. may contract with those of another, without joining, for the lodging, maintaining, and employing of the poor.

3 *W. c. 11.*

There shall be provided and kept in every parish a book, wherein the names of all persons who receive collection shall be registered, with the day and year when they were first admitted to have relief; and the occasion which brought them under that necessity; and yearly in Easter week, or as often as shall be thought convenient, the parishioners shall meet in vestry, or other usual place of meeting in the parish, before whom the book shall be produced, and all persons receiving collection shall be called over, and the reasons of their taking relief examined, and a new list made and entered of such persons as they shall think fit, and allow to receive collection; and no person shall be allowed to receive collection of the parish, but by authority of one justice residing in or near such parish, or by order of the justices in sessions, except in cases of plague or small pox, for such families as shall be therewith infected.

9 *G. c. 7.*

No justice shall order relief to any poor person, till oath be made before him, that the same person hath applied to the parishioners in vestry, or to two of the overseers, without being relieved, and till such justice hath summoned the two overseers to appear and shew cause why such relief should not be given.

9 *G. 3. c. 37.*

If any churchwarden or overseer of the poor, or person authorized by him, shall make any payments to the poor in any base or counterfeit money, one justice, on complaint, may summon the offender, and on proof of the offence, by the oath of one witness, may adjudge him to forfeit not less than 10s. nor more than 20s. to be levied by distress, and to be applied to the use of the poor.

Two

Two thirds of a parish, in number and value, may agree to adopt this act, and may nominate three discreet persons qualified for guardians of the poor, and three others to be governors of the poor-house, and may fix their salaries, with the consent of two justices of the limit.—Two or more parishes may also unite for the purposes of this act, with the approbation of two justices subscribed at the foot of the agreement; which agreement shall specify the situation of the house or houses, and a copy of the terms agreed on shall in three months be left with the clerk of the peace. 22 G. 3. c. 83.

Two justices shall appoint one of the three persons recommended, as above for governor of such poor-house, to take care of, and employ the poor, and to be allowed the salary or wages specified in the agreement: the visitor of such poor-house, or where a guardian is visitor, two justices may remove the governor, on sufficient proof of misbehaviour or incapacity. Id.

The guardians of the poor of these united parishes shall, two or more of them, produce to two justices of the limit the names of three respectable persons, as fit for the office of visitor; out of whom the justices shall, within three days, appoint one; and if he declines it, one other of the three; and in case of his refusal, the third; and if all refuse, the guardians shall visit by rotation, subject to the controul of the justices of the limit: such visitor, if not a guardian, may appoint a proper person for his deputy, to inspect the matters committed to the care of the visitor, and to make his report thereof. Id.

Every visitor, so to be appointed, shall superintend every such house or houses, and settle and adjust the accounts between the said guardians of the poor and the treasurer of such house, if any question or dispute shall arise respecting the same; and also shall settle and adjust all questions which may arise concerning the persons which ought to be sent to such house or houses, according to the intention of this act, and by every prudent means in his power, enforce and promote the rules and orders for the better accommodation and relief of the poor: and every such governor, guardian, and treasurer, is hereby required to observe and obey the directions which he shall from time to time receive from the visitor so to be appointed, touching the several matters aforesaid: and, where any act shall be required to be done by a justice of the peace, such visitor, if not a justice, or his deputy or assistant, shall apply to some neighbouring magistrate to do the same: and every person to be nominated or appointed visitor or deputy visitor as aforesaid, as an inducement to his undertaking and executing that office, shall be freed and discharged from serving the office of constable, and all parochial offices, and also from serving upon juries at the assizes or quarter sessions, so long

long as he shall continue in that office; and a certificate under the hand of a justice of the peace acting for the limit wherein he executes such office, shall be admitted as evidence of his serving the office.

22 G. 3. c. 83.

If two thirds, in number and value as aforesaid, of the owners or occupiers of land, tenements, or hereditaments, within any *single* parish, township, or place, which shall adopt the provisions of this act in manner aforesaid, shall desire to have a visitor appointed, and shall nominate and recommend to the justices of the limit three persons properly qualified for that office, the justices, upon application to them in manner aforesaid, shall appoint one of the persons so recommended, in the manner herein before directed.

24.

The guardians of the several parishes and townships united for the purposes of this act, shall recommend to the justices one of their own body to be treasurer of the poor-house; and it shall and may be lawful for two justices of the limit to appoint the guardian so recommended, or any other of the guardians whom they shall think better qualified, to that office; which treasurer shall give sufficient security, to the satisfaction of the justices, to the other guardians, and their successors, for his duly accounting for the money which shall come to his hands; and shall keep the accounts, receive the money to be contributed by each parish and township, and pay or discharge the several bills and expences which shall be allowed and ordered to be paid by the guardians, at their monthly meeting; and shall lay his accounts before the guardians, at every such meeting, for their perusal and approbation; and shall, once in every year, within 14 days before the Michaelmas quarter sessions of the peace, make out a just and fair account of the expences attending the same; and also an account of the number of poor persons, distinguishing their age and sex, which shall be contained in every such house at the time of making such account; and how they have been employed, and how much money hath been earned by the labour of the poor in the year preceding; which shall be laid before the visitor, and signed with his hand, if he approves the same, and shall afterwards be transmitted to the clerk of the peace, or town clerk, before or at the time of the said quarter sessions, and be by him laid before the court there for their inspection: and every such treasurer shall be allowed, for his trouble in executing that office, such annual sum, not exceeding 10l. as the visitor, if not a guardian, shall think fit; and if no such visitor, as two justices of the peace for the limit shall appoint.

Id.

Vacancies occasioned by death of officers, &c. to be supplied by the justices in manner aforesaid.

Id.

The offices of guardian, governor, visitor, or treasurer, shall determine in Easter week next after the respective persons

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sons shall be appointed thereto, on the day upon which the public meeting shall be held; when the persons, who, according to this act, are qualified and have a right to recommend another person to the justices, to be appointed to such office, shall either agree with the persons who held the same to continue in such office, or shall proceed to recommend others, in the manner herein-before directed, as if such person had died.

If within any such limit as aforesaid, wherein any poor-house shall be situate, there shall happen to be no acting justice, or only one acting justice of the peace, or if the justice or justices of the peace who usually act in that limit shall be absent, or by any means incapacitated to act, it shall and may be lawful for any justice or justices of any other limit to act in all such cases. 22 G. 3. c. 33.

The justices of the peace, within their respective limits, *Id.* may appoint special or privy sessions for executing the several powers and purposes of this act, causing proper notices to be given of the time and place of holding the same, to the several justices of the peace, peace officers, and guardians of the poor, within such respective limits; and also may adjourn any such privy sessions, to be again holden at such time and place as they shall judge most proper for discharging the business required by this act, and such other business which may happen to fall under their cognizance, so as to occasion the least trouble to themselves, and to afford the greatest convenience and accommodation to the public, causing the like notices to be given of every such adjournment.

The poor are to be maintained at the general expence of the *Id.* respective parishes: the guardians are to meet monthly: and the treasurer, at each meeting, is to produce an account of debts incurred for utensils, furniture, &c.; and also an account of the victuals, beer, &c. used in the poor-house; and the sum due from each parish, township, or place, shall be specified at the foot of such account, which shall, when settled and agreed to, be signed by such guardians, or the major part of them, and be afterwards inspected by the visitor, if not a guardian, and allowed by him, if he shall approve thereof; and in case default shall be made in payment of the respective sums so proportioned, for seven days after the same shall be so settled and proportioned, and the money demanded, it shall and may be lawful for any justice of the peace for the limit where such house or houses shall be situate, upon complaint made to him upon oath of such default, to levy the said respective sums, to be settled and proportioned as aforesaid, by distress and sale of the goods and chattels of any guardian of the poor for any such parish, township, or place, making such default; and at the end of every year the account shall be finally closed, and the balances paid and received,

22 G. 3. c. 83. It shall and may be lawful for the guardians of the poor, where any such poor-house shall be provided, purchased, or agreed to be erected, to inclose from any waste or common land or ground lying near or adjoining thereto, with the consent and approbation of the lord of the manor, and the major part in value of the freeholders or persons having right of common thereupon, signified under their hands and seals, any part or portion of such waste or common land, not exceeding *ten* acres, for the purpose of building upon, or occupying, cultivating, and improving the same, for the use and benefit of such poor-house, and the poor persons within the parish, township, or place, where the same shall be, or within the parishes, townships, or places, which shall be united therewith for the purposes of this act.

Id. No person shall be sent to such poor-house or houses, except such as are become indigent by old age, sickness, or infirmities, and are unable to acquire a maintenance by their labour, and except such orphan children as shall be sent thither by order of the guardian or guardians of the poor, with the approbation of the visitor; and except such children as shall necessarily go thither with their mothers for sustenance.

Id. Nothing herein contained shall give any power to separate any child or children, under the age of seven years, from his, her, or their parent or parents, without the consent of such parent or parents.

Id. Where there shall be, in any parish, township, or place, any poor person or persons who shall be able and willing to work, but who cannot get employment, it shall and may be lawful for the guardian of the poor of such parish, township, or place, and he is hereby required, on application made to him by or on behalf of such poor person, to agree for the labour of such poor person or persons, at any work or employment suited to his or her strength and capacity, in any parish, township, or place, near the place of his or her residence, and to maintain, or cause such person or persons to be properly maintained, lodged, and provided for, until such employment shall be procured, and during the time of such work, and to receive the money to be earned by such work or labour, and apply it in such maintenance, as far as the same will go, and make up the deficiency, if any; and if the same shall happen to exceed the money expended in such maintenance, to account for the surplus, which shall afterwards, within one calendar month, be given to such poor person or persons who shall have earned such money, if no further expences shall be then incurred on his or her account to exhaust the same. And in case such poor person or persons shall refuse to work, or run away from such work or employment, complaint shall be made thereof by the guardian to some justice or justices of the peace in or near the said parish, township, or place; who shall enquire

quire into the same upon oath, and upon conviction punish such offender or offenders, by committing him, her, or them, to the house of correction, there to be kept to hard labour for any time not exceeding three calendar months, nor less than one calendar month.

The guardian of the poor for any parish, township, or place, adopting the provisions of this act as aforesaid, shall provide, at the expence of such parish, township, or place, suitable and necessary clothing for the persons sent by him to such poor-house as aforesaid; and in case of his neglect so to do, the governor or one of the guardians of every such house shall make complaint thereof to some neighbouring justice of the peace; who shall summon the guardian so making neglect to appear before him to answer the said complaint, and direct him to provide such clothing as shall to such justice appear necessary; and if such guardian shall make default in providing such clothing, within 10 days after such direction, it shall and may be lawful for such justice of the peace to direct the governor of such poor-house, or the guardian so making such complaint, to provide the same, and to demand from such guardian so making neglect, the charges and expences of such clothing; and in default of payment thereof, upon demand made, it shall and may be lawful for such justice or justices of the peace to levy the same, and the costs and charges attending the recovery thereof, by distress and sale of the goods and chattels of every such guardian so making default.

The rules, orders, and regulations, shall be duly observed and enforced at every poor-house or workhouse to be provided by virtue of this act, with such additions as shall be made by the justices of the peace of the limit wherein such house or houses shall be situate, at some special session; provided that such additions shall not be contradictory to the rules, orders, and regulations established by this act, and provided that the same be not repealed by the justices at their quarter sessions of the peace; and, for the purpose of having them more generally known, and more strictly attended to, the governors of every such house or houses shall, and are hereby required to cause the same to be printed in plain legible characters, and fixed up in some conspicuous part of every such house or houses.

It shall and may be lawful for any justice of the peace, on complaint made upon oath, by or on the behalf of any poor person belonging to any parish, township, or place, that the guardian, upon application made to him, hath refused such

* These are subjoined to the act, which every parish, adopting the scheme therein proposed, will certainly obtain; and to which the reader is referred, if he requires more particular information.

poor person proper relief, and after enquiring into the condition and circumstance of such poor person upon oath, either to order him or her, by writing under the hand of such justice, some weekly or other relief, or direct such guardian to send such poor person to the poor house, in case he or she shall appear a fit object to be kept and provided for there; which order shall be complied with, or sufficient cause shewn to the contrary, before such justice, by such guardian, within two days after he shall receive the same; and every person receiving weekly relief shall wear the badge directed by the act made in the eighth and ninth years of the reign of King William the Third, unless directed otherwise by a justice of the peace, upon proof of very decent and orderly behaviour; or if it shall appear to such justice, that the person so complaining, or on whose behalf such complaint is made, is able and willing to work, but wants employment, in that case it shall and may be lawful for such justice to order the guardian to procure him or her maintenance and employment in the manner herein-before directed; and if any guardian shall, upon due notice of any such order, refuse or neglect to obey the same, he shall, for every such refusal or neglect, forfeit the sum of 5*l.* or if it shall appear to such justice, that the person making such complaint, or on whose behalf such complaint is made, is an idle or disorderly person, and has not used proper means to get employment, it shall and may be lawful for the justice, after examining such person, and hearing the whole circumstances of the case, to commit such person to the house of correction for any time not exceeding three calendar months, nor less than one calendar month; or if it shall appear to such justice, upon enquiry as aforesaid, that the husband or father of such person making complaint, or on whose behalf complaint shall be so made, for want of relief, is an idle or disorderly person, able to work, but by his neglect of work, or for want of seeking employment, or by spending the money he earns in alehouses, or places of bad repute, does not maintain his wife or children, and suffers them to be reduced to want, it shall and may be lawful for such justice of the peace, in like manner, to commit the husband of such poor woman, or the father of such poor child or children, to the house of correction, for any time not exceeding three calendar months, nor less than one calendar month.

21 G. 3. c. 83.

The guardian shall not be summoned before the justice, unless the complainant shall have applied both to the guardian and visitor; but if sufficient relief shall not be given or ordered, the poor person complaining, or on whose behalf such complaint shall be made, shall be redressed by such justice.

72.

Out of the penalty hereby inflicted upon the guardian for disobeying the order of a justice of the peace for the relief and maintenance of any poor person, so much thereof as the justice

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tice of the peace, who shall convict such offender, shall direct to be paid to such poor person to whom such relief was ordered, shall be paid to him or her accordingly, and the remainder applied in such manner as the other penalties are hereby directed to be disposed of.

If any poor person shall be retarded on his or her passage through any parish, township, or place, in which he or she has no legal settlement, by sickness or bodily infirmity, without the means of subsistence, or of proceeding to the place of his or her settlement, the guardian living near the place where such distressed object shall be, shall, and is hereby required, upon notice thereof, forthwith to provide lodging, and suitable nourishment and assistance (and also cloathing if necessary) for such person, until he or she can be removed with safety; and when such person shall be fit to be removed, shall take such person to some neighbouring justices of the peace, who shall examine him or her upon oath, touching the place of his or her settlement, and make an order for his or her removal thither, if they think fit: and the parish officer who shall so receive and provide for such person or persons as aforesaid, shall make a charge of the expences attending the same, which, on being allowed and certified by the justices before whom such poor person shall be so taken, or some other neighbouring justices within the limit where such person was found, the same shall be paid by the guardian of the parish, township, or place, where such poor person shall be settled, in case the same can be discovered, and shall happen to be within that county, on demand made thereof, and on the production of such allowance and certificate as aforesaid: or in default of payment, the same shall be levied upon the goods and chattels of any such guardian so making default, after due summons, by warrant from a justice of the peace having jurisdiction there; and if any poor and sick person, circumstanced as aforesaid, shall die before he or she can be so examined, or if any poor person shall be found dead in any parish or place to which he or she did not belong, the guardian of such parish or place respectively shall, and is hereby required, in every such case, to cause such person to be buried in the parish, township, or place, where he or she so died or was found dead, and shall make a charge of the expences attending the same respectively, which shall be allowed and certified by a justice of the peace, after examining into the place of his or her settlement, and shall be paid by the guardian of the parish, township, or place, where such person shall appear to

22 G. 3. c. 83.

* The word guardian, when applied to a parish, township, or place at large, appears to be only another term for a churchwarden or overseer of the poor, and is not confined to the officers appointed to superintend the poor-houses established in parishes adopting the provisions of this act.

have

have been settled, if the same shall be within that county; but in case the settlement of such poor persons respectively cannot be discovered, or shall not be within that county, the same shall be paid by the treasurer of such county, riding, division, city, or place, where such person was so relieved, on the production of such allowance and certificate, out of the county or public money to be collected within his limit, and allowed to such treasurer in his accounts.

22 G. 3. c. 83.

If any poor person, who shall be sent to such house or houses, shall embezzle or wilfully waste any of the goods or materials committed to his or her care, or shall take or carry away, without permission of the governor, any goods or materials provided for the use of such house, or belonging to any person residing there, complaint shall be made thereof upon oath to some neighbouring justice of the peace living near such house; who shall hear the same, and the party accused; and such justice is hereby authorised, upon conviction, to commit such offender to the house of correction, there to be kept to hard labour for any time not exceeding six calendar months, nor less than two calendar months, as the said justice shall think fit and direct.

Id.

If any guardian, or other person or persons, shall entice, take, convey, or remove, any poor person or persons from one parish or place to another, which shall adopt the provisions of this act, without an order of removal from two justices of the peace for that purpose, every person or persons so offending shall, for every such offence, forfeit a sum not exceeding 20*l.* nor less than 5*l.*

Id.

If any visitor, guardian, or governor, shall sell or furnish any materials, goods, clothes, victuals, or provisions, or do any work in his trade for the use of any workhouse, poorhouse, or poor persons, within any parish, township, or place, for which he shall be so appointed to act, or be concerned in trade or interest with any person or persons who shall sell, provide, do, or furnish the same, he shall, for every such offence, forfeit a sum not exceeding 20*l.* nor less than 5*l.* on being duly convicted thereof by a justice of the peace.

Id.

The guardians of the poor of any parish, township, or place, which shall adopt the provisions of this act, with the approbation of the persons qualified as herein before-mentioned, obtained at a public meeting held for that purpose, may sell or dispose of any house, cottage, or building, which shall have been erected or purchased for the use of any poor person or persons, at the expence of such parish, township, or place, and apply the money arising therefrom to the purposes of this act; and also may remove, by order from a justice or justices of the peace, the person or persons who shall inhabit the same, or any other house or dwelling rented or provided at the expence of such parish, township, or place,

if

if he, she, or they refuse to quit, after receiving 14 days notice for that purpose.

All penalties inflicted by this act shall be recovered before one or more justice or justices of the peace of the jurisdiction where the offender dwells; who shall, upon conviction, in default of payment, after due summons, and demand made, cause the same to be levied by distress and sale of the offender's goods and chattels, by virtue of a warrant under the hand and seal of any justice of the peace having jurisdiction where such offender shall dwell, rendering to the said offender the overplus (if any) after the charges of such distress and sale shall be deducted; for want of distress, any such justice of the peace may commit such offender to the house of correction, there to remain, without bail or mainprize, for any space not exceeding six calendar months, nor less than one calendar month; every such penalty and forfeiture, if not hereby otherwise directed to be disposed of, shall be paid to the treasurer of every such house or houses, to be applied by him towards defraying the monthly expences of victuals, beer, firing, and other necessary provisions for the poor within such house or houses.

Any person aggrieved by the act of any justice or justices of the peace out of sessions, may appeal to the next general quarter-sessions of the peace, giving eight days notice thereof to the party against whom the complaint shall be made, and giving security, by recognizance, to be acknowledged before a justice of the peace, with a sufficient surety, to pay the costs attending such appeal, if the matter shall be determined against the appellant; and the justices' determination shall be final.

If any overseer shall remove, he shall, before his removal, deliver over, to some churchwarden or other overseer, his accounts, verified as aforesaid, with all assessments, books, papers, money, and other things concerning his office; and if any overseer shall die, his executors or administrators shall within 40 days after his decease, deliver over all things concerning his office to some churchwarden or other overseer, and shall pay out of the assets all money remaining due, which he received by virtue of his office, before any of his other debts are paid.

If any person shall find himself aggrieved by any act done by the said overseers or justices; he may appeal to the general quarter-sessions, whose order therein shall bind all parties.

In all corporations or franchises, which have not four justices, persons aggrieved may appeal, if they think fit, to the next county-sessions.

Overseers being negligent in their office, shall forfeit for every default 20s. to the poor, to be levied by one of the churchwardens or overseers, by warrant of two justices (1 *℥.*) by distress; or in defect thereof, any two such justices may commit

17 G. 2. c. 38.

commit the offender to the common gaol, there to remain without bail or mainprize, till the said forfeiture shall be paid.

Any parish officer neglecting his duty, being convicted thereof on oath before two justices, in two calendar months after the offence committed, shall forfeit not exceeding 5*l.* nor less than 40*s.* to the poor, by distress.

3 W. c. 11.

In all actions to be brought in the courts of Westminster, or at the assizes, for the recovery of any sum mispent or taken to their own use by the churchwardens or overseers, the evidence of the parishioners, other than such as receive alms, shall be admitted.

21 Y. c. 12.

If any action be brought against any overseer, or other person which is in his aid, or by his commandment, shall do any thing concerning his office, he may plead the general issue, and if he recovers, he shall have double costs:—And such action shall be laid in the proper county, and not elsewhere.

Popery.

By the toleration-act, if any person, being required by a justice of the peace, shall refuse to take the oaths of allegiance and supremacy, and to make and subscribe the declaration against popery of the 30 C. 2. he shall be committed by the said justice to prison; and, at the next sessions, if he shall again refuse to make and subscribe the said declaration, he shall be deemed and suffer as a popish recusant convict.

1 G. 3. c. 13.

Two justices may summon any person, whom they shall suspect to be disaffected, by writing under their hands and seals, to appear before them at a time prefixed, to take the oaths of allegiance, supremacy, and abjuration: which summons shall be served on such person, or left at his dwelling-house, or usual place of abode, with one of the family there; and if such person shall neglect or refuse to appear, then, on due proof made upon oath of serving the said summons, they shall certify the same to the next sessions, to be there recorded: And if such person shall neglect or refuse to appear, and take the oaths at the said sessions (his name being publickly read at the first meeting of the said sessions) he shall be taken and adjudged a popish recusant convict. And the same shall be from thence certified by the clerk of the peace, into the chancery or king's bench, to be there recorded.

27 El. c. 2.

They who are in seminaries abroad shall return in six months after proclamation, and conform in two days, before the bishop, or two justices of the peace; otherwise if they return at all, without submission, they shall be guilty of high treason.

If any person, knowing a jesuit or priest to be in the realm, 27 El. c. 2.
shall not in 12 days discover the same to a justice of the peace,
or other higher officer, he shall be fined and imprisoned at the
Queen's pleasure.—And if such justice or other officer shall not
in 28 days give information thereof to one of the privy coun-
cil, he shall forfeit 200 marks.

Penalty of not resorting to church.

ONE justice, on proof (in one month after default) by con- 37. 4. 4.
fession, or oath of one witness, may call before him the party
neglecting to go to church or some place of public worship on
every Lord's Day; and if he shall not make sufficient excuse,
on due proof thereof to the satisfaction of the justice, such
justice shall give warrant to the churchwarden to levy 12d. to
the use of the poor of the parish for every default by distress and
sale, rendering the overplus: for want of distress, commitment
till paid.

Every person above the age of 16 years, who shall not repair 23 El. c. 7.
to some church, chapel, or usual place of common prayer, be-
ing convicted thereof before the judges of assize, or justices of
the peace in their open quarter sessions, shall forfeit 20l. a
month, one third to the king, one third to the maintenance
of the poor of the parish, and of the houses of correction and
of impotent and maimed soldiers, as the lord treasurer, chan-
cellor, and chief baron of the exchequer shall order, and one
third to him who shall sue in any court of record.—If not paid
in three months after judgment, he shall be imprisoned till he
pay, or conform himself to go to church.

Every offender in not repairing to church, being once con- 37. c. 4.
victed, shall pay into the exchequer at Easter or Michaelmas
term, which shall first happen after the conviction, 20l. for
every month contained in the indictment; and afterwards,
without any other indictment or conviction, shall pay into the
exchequer at every Easter and Michaelmas term 20l. for every
month till he conform; except where the king may refuse the
same, and take two parts of the lands as hereafter is menti-
oned.

Every person, who shall retain in his service, or shall relieve, 11.
keep, or harbour in his house any servant, sojourner, or
stranger, who shall not repair to church, but shall forbear for
a month together, not having reasonable excuse, shall forfeit
10l. for every month he shall continue in his house such person
so forbearing.—And the sessions may hear and determine the
same.

The justices in sessions shall have power to enquire, hear, 11.
and determine of all recusants and offences for not repairing to
church;

church; and shall have power at the sessions where an indictment is taken for such offence, to make proclamation, by which it shall be commanded that the body of the offender shall be rendered to the sheriff, bailiff, or gaoler, before the next sessions: and if he shall not appear of record at the next sessions, then upon such default recorded, he shall stand convicted.

1 G. 2. c. 55.

Every person educated in the popish religion, shall within six months after he shall be of the age of 21, take the oaths of the 1 G. c. 13. and make the declaration against popery of the 30 C. 2. or in default thereof, shall within six months register the lands which he possesses.

3 G. c. 18.

And such lands shall be registered in the county, where the house thereupon stands.

1 G. 2. c. 55.

The name of such popish recusant shall be subscribed to the registry, in the presence of two justices in open sessions, by himself or his lawful attorney, and two justices shall subscribe their names as witnesses on pain of 20l. that the entry was duly made.

21 G. 3. c. 51.

All deeds and wills already inrolled, and every oath of the due execution thereof, administered by the custos rotulorum, and two justices of the peace, and the deputy clerk of the peace, or any two of them, (such deputy clerk of the peace being one) shall be of the same force, vigour, validity, and effect, to all intents and purposes, as if the same deeds and wills had been inrolled, and as if such oaths had been administered by or before the clerk of the peace in his own proper person.

3 G. c. 18.

No manors, lands, tenements, or hereditaments, or any interest therein, or rent or profit thereof, shall pass, alter, or change from any papist, or person professing the popish religion, by any deed or will, except such deed within six months after date, and such will within six months after the death of the testator, be enrolled in one of the courts of record at Westminster, or within the county where they lie, by the custos rotulorum, and two justices of the peace, and the clerk of the peace, or two of them at least, whereof the clerk of the peace to be one.

1 W. c. 15.

Any two justices, who shall know or suspect, or shall be informed, that any person is, or is suspected to be, a papist, may and shall tender to him the declaration in the act of 30 C. 2. and if he shall not appear, after notice by warrant under hand and seal given to him, or left at his usual place of abode; or shall not make and subscribe the declaration; he shall be disabled to have or keep, in his house or elsewhere, or in the possession of any other to his use, any arms, gunpowder, or ammunition, except such weapons as shall be allowed by the sessions for the defence of his house or person.—And any two justices may by warrant authorize in the day time any person, with the constable's assistance, to search such person's house

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for the same, and seize them for the use of the king.—And the said justices shall deliver the same in open court at the next sessions for the use aforesaid; where also they shall certify the name and place of abode of every person so subscribing, or not subscribing.

Postage.

BY this act, from Aug. 31, 1784, whenever any foreign letter or packet shall be received at any general post-office, if any person employed in the said office shall make oath that he suspects it to contain goods prohibited to be imported, or liable to the payment of a duty on importation, it shall be lawful for him to carry the said packet to any justice, or other magistrate for the town or division, and in the presence of such magistrate to cut with a penknife in and thro' the folds of such letter or packet, and its inclosure, one opening or slit not exceeding two inches in length; and if it shall appear to the said magistrate that such goods are contained therein, he shall in the presence of the said officer immediately open the said letter or packet, and destroy such goods; and in such case, the magistrate shall inclose such letter, &c. in a cover, with an attestation signed by him, containing the name of the officer who brought it, the time of its being brought, the goods contained therein, and also attesting that the same were destroyed by him: this letter, &c. to be forwarded to the commissioners of his Majesty's customs, who shall reward the said officer with any sum not more than 5*l.* nor less than 10*s.*

24 G. 3. sess. 2.
c. 37.

If no such goods as aforesaid are found therein, the magistrate shall inclose the letter or packet in a cover, attesting that the said letter, &c. was opened in his presence, and shall deliver it sealed up to the officer, to be transmitted without delay to the person to whom it was directed, without any additional charge of postage.

Id.

Post Horses.

EVERY post-master or other person, who shall let horses to hire, for travelling post by the mile, or from stage to stage, shall annually pay 5*s.* for a licence for that purpose, on a penalty of 10*l.*—Every person hiring such horse, shall pay one penny halfpenny per mile; or 1*s.* 9*d.* per day, when the distance is not ascertained.

25 G. 3. c. 51.

Every person keeping a diligence, or other four wheeled carriage, as a stage coach, shall pay 5s. for a licence annually, on a penalty of 10l. and also one penny for every mile such carriage shall travel.

The duties to be under the care and management of the stamp office.

Licensed innkeepers are to cause the words *Licensed to let Post Horses* to be written in legible characters on the front of their house, &c. on penalty of 5l.

This act does not extend to horses used in hackney coaches within ten miles of London or Westminster.

All penalties sued for within six months shall be divided, one moiety to his Majesty, and the other, with full costs of suit, to the informer: if after six months the whole to his majesty. If the penalty amount to 50l. or more, it shall be sued for in the courts of Westminster, &c.; if less than 50l. any justice residing near the place where the offence shall be committed, may hear and determine, and may issue his warrant, under his hand and seal, for levying the penalties on the goods of the offender, and cause sale to be made thereof, if not returned within six days; rendering the overplus, if any, to the offender; and in default of distress, may commit the offender to prison for six months, unless such penalty be sooner paid.

Any person summoned by such justice or justices, and refusing to appear, or refusing to give evidence, forfeits 40s. to be levied as above, and by such means as are herein before directed, as to other penalties.—And all summonses issued by any justice of the peace against proprietors of coaches, &c. left with the book-keeper, shall be deemed good service on them.

The justice may mitigate the penalties to one half, over and above the costs and charges.

Post-Office.

9 An. c. 10.

NO person shall be capable of exercising any employment, relating to the post-office, or any branch thereof, or be any way concerned in receiving, sorting, or delivering of letters, before he shall have taken the following oath, before a justice of the peace where he resides:

I A. B. do swear, that I will not wittingly, willingly, or knowingly open, detain, or delay, or cause, procure, permit, or suffer to be opened, detained, or delayed, any letter or letters, packet or packets, which shall come into my hands, power, or custody, by reason of my employment in or relating to the post-office;—except by the consent of the person or persons to whom the same is or shall be directed, or by an express warrant in writing, under the hand of one of the principal secretaries of state for that purpose;—

or

or except in such cases, where the party or parties to whom such letter or letters, packet or packets, shall be directed, or who is or are chargeable with the payment of the post or posts thereof, shall refuse or neglect to pay the same, and except such letters or packets, as shall be returned for want of true directions, or when the party or parties to whom the same is or shall be directed, cannot be found: And that I will not any way embezzle any such letter or letters, packet or packets, as aforesaid.

And if any person shall do any thing contrary to the said oath, he shall forfeit 20l. and his office. 9 An. c. 10.

Persons appointed from time to time to measure the post roads, shall be sworn to perform the same, according to the best of their skill and judgment, before a justice of the peace, who shall make a certificate thereof in writing, to be entered in the general post-office, without fee. Id.

If any post-boy shall quit the mail, or shall loiter on the road, or shall not in all possible cases convey the mail after the rate of six miles an hour at least: he shall, on conviction by confession or oath of one witness before one justice, be sent to the house of correction, to be there kept to hard labour, not exceeding one month, nor less than 14 days. 5 G. 3. c. 25.

And if any post-boy shall by himself, or in combination with others, unlawfully collect any letters, or convey, or cause them to be conveyed: he shall, on conviction by confession or oath of one witness before one justice, forfeit for every letter or packet 10s. to the informer; and if not forthwith paid on conviction, he shall be committed to the house of correction to hard labour, not exceeding two months, nor less than one. Id.

Any post-master embezzling money for letters post paid, or destroying the letters, shall be deemed guilty of felony. Id.

If any person employed in any business of the post-office, who shall take any letter or packet to be forwarded by the post, and receive any money therewith for the postage, shall burn or destroy any such letter or packet; or shall advance the rate of postage upon any letter or packet, and not duly account for the money by him received for such advanced postage, he shall be deemed guilty of felony. 7 G. 3. c. 50.

All sums, not exceeding 5l. that shall be due from any person for letters, or which shall be received for the carriage of letters, without answering for the same to the receiver-general, shall be recovered before justices of the peace in the same manner as small tithes; and such debt shall be preferable in payment, before any debt to any private person. 9 An. c. 10.

Any person stealing bills, or other securities for money, out of letters, or robbing the mail, shall be guilty of felony without benefit of clergy. 7 G. 3. c. 50.

All pecuniary penalties, amounting to 20l. or upwards, shall be distributed, half to the king, and half with full costs to him who shall sue in the courts of Westminster. 20 G. 3. c. 51.

If

20 G. 3. c. 51.

If not sued for in three months, they shall belong to the king.—If under 20l. they may be recovered before one justice residing near to the place where the offence was committed;—who shall summon the party accused, and also the witnesses; and on due proof made either by confession or oath of one witness, may issue his warrant of distress and sale of the offender's goods, if not redeemed in six days; if sufficient distress cannot be found, the justice shall commit him to prison for three months, unless the penalty shall be sooner paid.

14.

And if any person shall be summoned as a witness to give evidence before such justice, and shall neglect or refuse to appear, he shall forfeit 40s. to be levied and paid as the other penalties herein before directed.

14.

A summons by such justice of the proprietors of carriages, left at the inn or place where the carriage shall put up, with the person who keeps the books for taking places in such carriages, shall be deemed good service on such proprietor, altho' he may not have a residence or habitation at such inn or place.

Prison-Breaking.

Ed. 1. c. 15.

THOSE who have broken prison are not bailable by justices of the peace; and that for two reasons: 1. Because it carries a presumption of guilt. And, 2. Because it is a superadded offence to the former, for which they stood committed.

Haw. 137.

The party may be arraigned for prison-breaking, before he be convicted of the crime for which he was imprisoned: for that it is not material whether he were guilty of such crime or not; for the words of the statute are, *for which he was taken and imprisoned.*

H. H. 601.

The gaoler shall not be punished as a felon for the party's breach of prison, unless he voluntarily consented to it; but it seems to be a negligent escape in the gaoler, for which he may be punished by fine and imprisonment, because there wanted either that due strength in the gaol, or that due vigilance in the gaoler or his officers, that should have prevented it: and if gaolers might not be punished for this as a negligent escape, they would be careless either to secure their prisoners, or to retake them that escape.

Haw. 71.

If a criminal endeavouring to break the gaol, assault his gaoler, he may be lawfully killed by him in the affray.

Process.

Process.

BY the commission of the peace, the justices in sessions have power to make and continue processes upon indictments, against the persons indicted, until they can be taken, surrender themselves, or be outlawed.

Indictments and presentments, taken in the sheriff's tourn, shall be delivered to the next sessions; who may award process thereupon, in like form as if they had been taken before themselves. 1 Ed. 4. c. 2.

The law in several cases in express words directs process to be made by justices out of sessions; and in other cases by necessary implication: as where a statute doth give power to justices out of sessions to enquire, hear, and determine, there they may make process to cause the party to come and answer, otherwise they cannot proceed to hear and determine; and this may be either before or after presentment or indictment as the several statutes do require: before presentment or indictment it is called a warrant; after presentment or indictment it is properly called process. Dalt. c. 193.

Wherever the king is a party to the suit (as he certainly is to all informations and indictments), the process ought to be executed by the sheriff himself, and not by the bailiff of any franchise. 2 Hawk. 284.

If the party be in an house, if the doors be shut, and the sheriff (having given notice of his process) demand admittance, and the doors be not opened, he may break open the doors, and enter to take the offender. 2 H. H. 202.

It seemeth that any one justice may bail persons indicted at the sessions, for any offence under the degree of felony; for that the statutes relating specially to the power of justices in granting bail, do not in this case seem to take away the power, which one justice had before the making of the said statutes. 2 Hawk. 103.

It is said, that the justices in sessions cannot issue a *capias utlagatum*, but must return the record of the outlawry into the king's bench, and there process of *capias utlagatum* shall issue. 2 H. H. 52.

If one be outlawed before the justices of the peace on an indictment of felony, they may award a *capias utlagatum*; for they that have power to award process of outlawry, have also power to award a *capias utlagatum*, as incident to their authority and jurisdiction. 12 Co. 103.

By the outlawry all personal chattels are vested in the king by forfeitures; but real chattels, or freehold estates are not vested in the king, till after inquisition found. 3 Salk. 262.

If a man be indicted before justices of the peace, and thereupon outlawed, and is taken and committed to prison, the justices 4 Inst. 166.
Hale's Pl. 158.
2 H. H. 35.

Process.

justices of gaol-delivery may award execution of this prisoners for they are constituted to deliver the gaol.

Promissory Notes, &c. &c.

27 G. 3. c. 16.

WHEREAS the acts 15 G. 3. c. 51, and 17 G. 3. c. 30. restraining the negotiation of promissory notes, &c. under a limited sum, which have been found to be useful and beneficial, are near expiring, and it is expedient that the said acts should be made perpetual:—By this act, the said recited acts are made perpetual.

Prophecies.

5 El. c. 15.

IF any person shall advisedly and directly advance, publish, and set forth by writing, printing, or otherwise, any false prophecy, thereby to make any disturbance in the realm; and shall be convicted thereof before a judge of assize, or justice of the peace, within six months after the offence committed, he shall for the first offence be imprisoned for a year, and forfeit 10l.; and for the second offence, shall be imprisoned for life, and forfeit his goods: half the forfeitures to the king, and half to him who shall sue for them in any court of record.

Publication of indecent Books, &c.

Strange's Reports 788.

THIS, which is a nuisance of the highest order, is punishable as such by information or indictment, with fine, imprisonment, and pillory.

Public Worship.

1 Ed. 6. c. 1.

IF any person shall speak irreverently of the sacrament of the Lord's supper, he shall suffer imprisonment, and make fine and ransom at the king's will. And three justices (12.) may take information by the oaths of two witnesses; and afterwards, at the sessions, may enquire thereof by the oaths of 12 men upon indictment.

22 G. 2. c. 33.

All commanders, captains, and officers at sea, shall cause the publick worship of almighty God, according to the liturgy of the church of England, to be performed in their respective ships; And prayers and preachings by the chaplains shall be performed diligently.

If

If any person shall disturb a preacher in his sermon by word or deed, he shall be apprehended and carried before a justice of the peace, who shall commit him to safe custody, and within six days, he and another justice shall examine the fact, and if they find him guilty by two witnesses, or confession, they shall commit him to gaol for three months, and further to the next sessions; and if at the sessions he repents and is reconciled, he shall be discharged on finding sureties for his good behaviour for a year; if not, he shall be continued in gaol till he does; saving the ecclesiastical jurisdiction; and he shall not be punished both ways.

If any person shall willingly and of purpose, come into any church, chapel, or other congregation permitted by the act of toleration, and disquiet and disturb the same, or misuse any preacher or teacher; he shall on proof thereof before one justice, by two witnesses, find two sureties to be bound by recognizance in sol.; and in default thereof shall be committed till the next sessions, and on conviction there of the said offence, he shall forfeit to the king 20l. 1 W. c. 13.

Qualification, &c.

PERSONS who have omitted to qualify themselves agree- 87 G. 3. c. 46.
ably to act 1 C. 1, 13 C. 2, 25 and 30 C. 2, 8 G. 1, 9 G. 2, 18 G. 2, and 6 G. 3, before the passing of this act; and who shall, on or before December 25, 1787, qualify themselves, shall be indemnified against forfeitures.—But this act shall not indemnify any person against whom final judgment shall have been given, for any penalty incurred by having neglected to qualify himself within the time limited by law.

Nor shall any thing contained in this act extend to exempt any justice of the peace from the penalties to which he is subject for acting as such, without being possessed of the qualification required by the laws now in force.

Persons producing appointments and admissions before Dec. 25, 1787, to the commissioners of the stamp-duties, may have them duly stamped, on payment of the duties first payable on such appointments, without any fine or forfeiture thereon; and such persons so providing appointments, duly stamped, shall and may hold and execute such offices, or any other, notwithstanding their omission; and none of his or their acts shall be questioned or avoided by reason of the same.

This act shall not extend to restore any person to any office or employment, already avoided by judgment of any of his majesty's courts of record, or already legally filled up and enjoyed by any other person.

T

Every

Every person who, at the passing of this act, shall have neglected or omitted to cause affidavits of contracts to serve as clerks to attornies, &c. to be made and filed, and who, on or before the first day of Michaelmas term 1787, shall cause one or more affidavits or affidavits to be made, and afterwards to be filed, in such manner as the same ought to have been made and filed in due time, is hereby indemnified and discharged, from and against all penalties and forfeitures, incapacities and disabilities whatsoever.

Persons prosecuted, and hereby meant to be indemnified, may plead the general issue; and, upon their defence, give this act and the special matter in evidence, upon any trial to be had thereupon.

Rape.

RAPE is when a man hath carnal knowledge of a woman, by force, and against her will.

If any person shall unlawfully and carnally know, and abuse any woman child, under the age of ten years, whether with her consent or against it, he shall be guilty of felony without benefit of clergy.

The offence of rape is no way mitigated, by shewing that the woman at last yielded to the violence, if such her consent was forced by fear of death, or of duress.

It is not a sufficient excuse in the ravisher, to prove that the woman is a common strumpet; for she is still under the protection of the law, and may not be forced: nor is it any excuse, that she consented after the fact.

The party ravished may give evidence on oath, and is in law a competent witness; but the credibility of her testimony, and how far she is to be believed, must be left to the jury, and is more or less credible, according to the circumstances of facts that concur in that testimony.

For instance, if the witness be of good fame; if she presently discovered the offence, and made pursuit after the offender; shewed circumstances and signs of the injury, whereof many are of that nature, that only women are the most proper examiners and inspectors; if the place, wherein the fact was done, was remote from people, inhabitants, or passengers; if the offender fled for it; these, and the like, are concurring evidences to give greater probability to her testimony, when proved by others as well as herself.

But on the other side, if she concealed the injury for any considerable time, after she had opportunity to complain; if the place, where the fact was supposed to be committed, were near to inhabitants or common passage of passengers, and

3 *Inst.* 180.

1 *Haw.* 108.

18 *El. c.* 7.

1 *Haw.* 108.

Id.

1 *H. H.* 633.

Id.

1 *H. H.* 633.

she made no outcry when the fact was supposed to be done, when and where it is probable she might be heard by others; or if a man prove himself to be in another place, or in other company, at the time she charges him with the fact; or if she is wrong in the description of the place, or swears the fact to be done in a place where it was impossible the man could have access to her at that time, as if the room was locked up, and the key in the custody of another person: these and the like circumstances carry strong presumption, that her testimony is false or feigned.

Upon the whole, rape, it is true, is a most detestable crime, and therefore ought severely and impartially to be punished with death; but it must be remembered, that it is an accusation easily to be made, and hard to be proved, and harder to be defended by the party accused, tho' never so innocent: therefore, a wise jury will be cautious upon trials of offences of this nature, that they be not so much transported with indignation at the heinousness of the offence, as to be over hastily carried to the conviction of the person accused thereof, by the confident testimony, sometimes of malicious and false witnesses.

1 H. H. 635.
636.

Recognizance.

RECOGNIZANCE is a bond of record, testifying the recognizor to owe a certain sum of money to some other; and the acknowledgment of the same is to remain upon record; and none can take it but only a judge or officer of record, &c.

Dalt. c. 186.

Recognizances are taken from the reputed fathers of bastard children.—See appendix, No. 12.

To indict for felony, No. 23.

To give evidence for felony, No. 24.

For good behaviour, No. 30.

To indict for misdemeanour, No. 48.

To answer for misdemeanour, No. 49.

To give evidence for misdemeanour, No. 50.

To keep the peace, No. 52.

Besides these, there are general recognizances,

Without sureties, No. 65.

With sureties, No. 66.

And these recognizances, in some cases, the justices of the peace are enabled to take by the express words of certain statutes: but in other cases (as for the peace, and good behaviour, and the like) it is rather in congruity, and by reasonable intendment of law, than by any express authority given them, either by their commission, or by the statute law.

Crom. 125.

But wheresoever any statute giveth them power to take a bond of any man, or to bind over any man to appear at the as-

Dalt. c. 168.

swears or fessions, or to take sureties for any matter or cause, they may take a recognizance. Yea, wheresoever they have authority given them to cause a man to do a thing, there it seemeth they have in congruity power given them to bind the party by recognizance to do it; and if the party shall refuse to be bound, the justice may send him to gaol.

Dalt. c. 168.

Every obligation and recognizance, taken by justices of the peace, must be made to our lord the king: on pain of imprisonment of any person that shall take it otherwise.

Barl. Recog.

When the parties are to enter into recognizance, call them by their names thus: 'You A. B. acknowledge to owe to our sovereign lord the king, the sum of _____, and you C. D. acknowledge to owe to our sovereign lord the king, the sum of _____; to be levied of your respective goods and chattels, lands and tenements, for the use of our said lord the king, his heirs and successors, if default shall be made in the condition following: that is to say, if you the said A. B. shall make default in appearing, &c.'" But the parties need not sign it. And it is usual for the justices to mark at the foot of the examination, A. B. in 40l. to appear &c. And from such short note make out a record afterwards.

1 Inst. 260.

Lord Coke says, that a record is a memorial or remembrance in rolls of parchment, &c. from whence it seemeth that a recognizance ought to be ingrossed on parchment; but since there is no law which prohibits it to be engrossed on paper, it seemeth that if it shall be on paper only, and not on parchment, it is good in law.

Dalt. c. 176.

And when it is made up, if the justice shall only subscribe his name, without his seal to it, this is well enough; and that may be in either of these sorts, acknowledged before me, J. P. or only to subscribe his name thus, J P.

3 H. 7. c. 1.

The justices shall certify their recognizances for keeping the peace, to the next sessions, that the party may be called; and if he make default, the default shall be recorded, and the recognizance, with the record of the default, shall be sent and certified into the chancery, king's bench, or exchequer.

1 & 2 P. & M. c. 13.

But in cases of felony, the recognizances are to be certified to the general gaol delivery.

Restitution of stolen goods.

21 H. 8. c. 11.

IF any felon do rob or take away any man's money or goods, and thereof be indicted and arraigned, and found guilty, or otherwise attainted, by reason of evidence given by the party robbed, or the owner of the money or goods, or by any other by their procurement; then the party robbed or owner of the goods, shall be restored to such his money or goods: and

as

as well the justices of gaol-delivery, as other justices before whom the felon shall be found guilty, or otherwise attainted; may award a writ of restitution, in like manner as if the felon were attainted on appeal.

Riot, rout, and unlawful assembly.

WHEN three persons or more shall assemble themselves together, with an intent mutually to assist one another, against any who shall oppose them, in the execution of some enterprize of a private nature, with force or violence, against the peace, or to the manifest terror of the people, whether the act intended were of itself lawful or unlawful; if they only meet to such a purpose or intent, although they shall after depart of their own accord, without doing any thing, this is an unlawful assembly: if after the first meeting they shall move forward towards the execution of any such act, whether they put their intended purposes in execution or not; this, according to the general opinion, is a *rout*:—And if they execute such a thing in deed, then it is a *riot*.

1 Haw. 155.
Dalt. c. 136.

The justices of the peace (or, as it hath been resolved, one justice) shall have power to restrain rioters, and to arrest and chastise them according to their offence; and cause them to be imprisoned and duly punished, according to the law and custom of the realm, and according to that which to them shall seem best to do, by their discretion and good advisement.

34 Ed. 3. c. 21

But if the rioters are above the number of twelve, the offence is greatly enhanced, and the power of one justice very much enlarged, by the act commonly called the riot act, which is required to be read at every quarter-sessions and leet.—Every justice, sheriff, under-sheriff, and mayor, shall on notice or knowledge of any unlawful, riotous, and tumultuous assembly of persons to the number of twelve or more, together with such help as he shall command, resort to the place: and with a loud voice command, or cause to be commanded, silence to be, while proclamation is making; and after that, shall openly and with a loud voice make, or cause to be made, proclamation in these words, or like in effect:

1 G. 2. c. 51

Our sovereign lord the king chargeth and commandeth all persons being assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the act made in the first year of king George for preventing tumults and riotous assemblies: God save the king.

And if any twelve or more of them shall continue together by the space of one hour after such proclamation made, they shall be guilty of felony without benefit of clergy.

1 G. 2. c. 51

If

1 G. 3. c. 5.

If any rioters (although under the number of twelve, and whether any proclamation be made or not) shall unlawfully and with force demolish or pull down, or begin to demolish or pull down, any church or chapel, or any building for religious worship, certified and registered according to the act of toleration, or any dwelling-house, barn, stable, or other out-house, they shall be guilty of felony without benefit of clergy: and the hundred, city, or town, shall answer the damages thereof, as in cases of robbery.

13 H. 4. c. 7.

If any riot, assembly, or rout of people, against the law, be made, the justices, three, or two of them at the least, and the sheriff, or under sheriff, shall come with the power of the county, if need be.

2 H. 5. c. 8.

And the king's liege people being sufficient to travel, shall be assistant to them, upon reasonable warning, to ride with them in aid to resist such riots, routs, and assemblies, on pain of imprisonment, and to make fine and ransom to the king.

13 H. 4. c. 7.

And the same justices and sheriff, or under sheriff, shall have power to record that which they shall find so done in their presence against the law: by which record the offenders shall be convicted in the same manner and form as is contained in the statute of forcible entries.

Id.

And if the offenders be departed before the coming of the said justices, and sheriff or under sheriff, the same justices, three or two of them, shall diligently enquire within a month after such riot, assembly, or rout of people so made, and thereof shall hear and determine according to the law of the land.

2 H. 5. c. 8.

And the said justices and other officers shall execute their offices aforesaid at the king's costs, in going and continuing in doing their said offices, by payment thereof to be made by the sheriff, by indentures betwixt the said sheriff and justices, and other officers aforesaid, whereof the sheriff upon his account in the exchequer may have due allowance.

Id.

The justices dwelling nighest in the county, where such riot, assembly, or rout shall be, together with the sheriff or under sheriff, shall do execution of the said statute of the 13 H. 4. every one upon pain of 100l. to the king.

Id.

If default be found in the two justices, sheriff, or under sheriff, then at the instance of the party grieved, a commission shall be issued under the great seal, to enquire as well of the truth of the case for the complainant, as of such default.

2 H. 5. c. 9.

8 H. 6. c. 14.

Rioters shall be taken by writ and proclamation out of chancery, on suggestion of two justices and the sheriff, on the common fame of such riot.

Rivers and Navigation.

IF any person shall, either by day or night, wilfully or maliciously pull down, cut down, pluck up, throw down, level, or otherwise destroy, any lock, sluice, floodgate, or other works, on any navigable river, erected or to be erected by authority of parliament, or rescue any person in custody for such offence, he shall be guilty of felony without benefit of clergy: and the offender may be tried in an adjacent county. Persons discovering and convicting an accomplice shall have a pardon: and the hundred shall answer damages, not exceeding 20*l.* to be recovered as in cases of robbery. 27 G. 2. c. 15.

If any person shall wilfully and maliciously draw or pluck up any floodgate fixed or made in any wear or lock, erected or to be erected by authority of parliament, in or upon any navigable river, for preserving the navigation thereof, he shall, on conviction upon the oath of one witness, before two justices of the county or place, or of the adjacent county or place, be sent to the house of correction to hard labour for one month. *Id.*

If any person acting as master of a ship, shall cast out, or there shall be cast out, of any vessel being within any haven, road, channel, or navigable river, any ballast, or rubbish, but only on the land where the tide never comes; any one justice near the place, may summon the master or owner, or other person acting as such, against whom the information shall be made, or issue his warrant to bring him before him; and upon due proof made, either by confession of the party offending, or on view of such justice, or oath of one witness, that any ballast or rubbish hath been cast out, the master, or person acting as such, shall be adjudged the offender, and shall forfeit not above 5*l.* nor under 50*s.* half to the informer, and half to the poor of the parish or place where such conviction shall be pronounced: to be levied by distress, and the offender to be committed to the gaol or house of correction where the conviction shall be, for two months, or till payment of the penalties, or so much thereof for which the commitment shall be. 19 G. 2. c. 22.

And as soon as any vessel shall be sunk, stranded, or run ashore, in any harbour, channel, or navigable river, or be brought in, or be there in a shattered condition, and the owner or master shall begin to take down, or carry away any of the rigging, or tackle, or if there shall not be any person to take care of such vessel, any one justice of the county or place, near which such fact shall happen, shall on information thereof summon the owner, or other person having or pretending to have command thereof, or issue his warrant to bring him before him; and on conviction shall issue his warrant for seizing and removing such vessel, and also the rigging and tackle thereof, in 19 G. 2. c. 22.

in such manner as he shall order and direct: and if such person shall not within five days give security to the justice, to clear the harbour of such vessel, and of all wreck and parts thereof, and pay the charges of seizing, removing, and disposing of the vessel and furniture, then the justice shall cause the hulk and tackle to be sold, and with the money pay the charges of clearing the place where the vessel shall lie, and of seizing, removing, and selling the same, rendering the overplus to the owner of the manor where the same shall happen.

24 G. 2. c. 45.

All persons who shall feloniously steal any goods of the value of 40s. in any ship, boat, or vessel, on any navigable river, or in any port of entry or discharge, or from any wharf or quay, or shall be present and aiding therein, shall be excluded from the benefit of clergy.

Robbery.

3 Inst. 68.

ROBBERY is a felony by the common law, committed by a violent assault upon the person of another, by putting him in fear, and taking from his person, his money or other goods, of any value whatsoever.

24 H. 8. c. 5.

If any person be indicted, or appealed, for killing any person attempting to rob, he shall be acquitted.

29 C. 2. c. 7.

If any person, who shall travel upon the Lord's day, shall be then robbed, the hundred shall not be liable: nevertheless they shall make hue and cry, on pain of forfeiting to the king as much as might have been recovered against the hundred, if the robbery had not been on the Lord's day.—Except only to or from church.

Comyns, 345.

Dalt. c. 84.

If there be so much day-light as that one may see a man's face, so that the robber may be known, though it be before the sun-rising, or after the sun-setting, the hundred shall answer for it.

22 G. 2. c. 24.

No person shall recover against the hundred, more than the value of 200l. unless the persons robbed shall at the time of the robbery be together in company, and be in number two at the least, to attest the truth of his or their being so robbed.

27 El. c. 13.

In order to make the hundred liable, the person robbed shall, with as much convenient speed as may be, give notice thereof, unto some of the inhabitants near the place.

8 G. 2. c. 16.

He shall also give notice, with as much convenient speed as may be, to a constable of the hundred, that is, the high constable, or to a constable of some place near; or leave notice in writing at his house, describing therein the felon, and the time and place of the robbery.

Id.

The party robbed shall also, within 20 days, cause notice to be given in the gazette, describing therein the felon, and the time

time and place of the robbery, and the goods and effects whereof he was robbed.

He shall also be examined on oath within twenty days next before the action brought, before a justice in or near the hundred, whether he knows any of the robbers; and if he confesses that he does, he shall, before action brought, be bound over by the said justice effectually to prosecute the person or persons so known to have committed the said robbery. 27 El. c. 13.

If the plaintiff recover, the sheriff shall shew the writ of execution to two justices (1 *Q.*) in or near the hundred. Id.

The high constable also shall cause his attorney's bill to be taxed by the proper officer, and shall give in to the said justices an account thereof, and of his other expences in defending the action, and make due proof of the same upon oath, to the satisfaction of the said justices. 8 G. 2. c. 16.

The said two justices shall thereupon cause a taxation to be made, and levied in 30 days, upon every division within the hundred, by the constables, by distress and sale. Id.

And the constables shall in ten days pay the same to the sheriff, and the sheriff shall pay the same without fee to the plaintiff for his costs and damage, and to the high constable for his expences. Id.

The high constable shall in like manner, if he recovers against the plaintiff, be reimbursed his expences which shall be over and above the costs to be taxed, and also such costs taxed as he shall not be able to recover, by reason of the insolvency of the plaintiff and of his sureties; which shall be paid in ten days to the said two justices, or one of them, who shall, upon request, deliver over the same to the high constable. Id.

Any person or persons apprehending a felon, whereby the hundred becomes indemnified, shall have 10*l.* reward paid by the hundred; the same to be ascertained, levied, and paid by two justices (1 *Q.*) in or near the hundred, in such proportions as they shall think reasonable, within the hundred. Id.

And moreover, every person who shall apprehend a highwayman, and prosecute him till he be convicted, shall have from the sheriff of the county where the robbery and conviction was made and done, without paying any fee for the same, the sum of 40*l.* within one month, the judge certifying the conviction of such a felon, and also that such felon was taken by the person claiming the reward. 4 W. c. 8.

If any disputes shall arise, the judge shall direct it to be paid unto and amongst the persons claiming, in such proportions as to him shall seem just and reasonable.—And if the sheriff shall make default of payment, he shall forfeit double, with treble costs. Id.

Such person shall have moreover the horse, furniture, and arms, money, or other goods of the robber, that shall be taken with him, notwithstanding the right of the king, or lord Id.

of the manor, or of the person lending or letting the same to hire: but saving the right of them from whom they may have been feloniously taken.

4 W. c. 8.

And if a person is killed in endeavouring to apprehend such highwayman, the sheriff shall pay the like sum of 40*l*. to the executors or administrators of the person killed, upon certificate delivered to him under the hand and seal of the judge of assize for the county where the fact was done, or the two next justices, of such person being so killed.

Id.

If any person, being out of prison, shall commit any robbery, and afterwards discover two or more persons, who shall commit any robbery, so as two or more be convicted; he shall have the king's pardon for all robberies he shall have committed before such discovery; which pardon shall likewise be a bar against any appeal for such robbery.

22 G. 2. c. 33.

Robbery in the navy shall be punished with death, or otherwise, as a court martial, on consideration of the circumstances, shall find meet.

Seamen.

27 G. 2. c. 5.

A SEAMAN, having a testimonial under the hand and seal of a justice of the peace, setting forth the time and place of landing, and the place to which he is to pass, and limiting the time of his passage, shall not be deemed a vagrant, while he continues in the direct way, and within the time limited.

31 G. 2. c. 10.

Any one who shall personate a seaman in his majesty's service, or his heir, executor, or administrator; or shall utter or publish as true, knowing the same to be false, forged, or counterfeited, any letter of attorney, assignment, last will, or any other power or authority, in order to receive any wages, pay, or other allowances of money or prize-money, shall be guilty of felony without benefit of clergy.

2 G. 2. c. 36.

No master of a merchant ship shall proceed on a voyage, without agreeing in writing with each mariner (apprentices excepted) to be signed by such mariner, for wages; on pain of 5*l*. for each mariner, on conviction before one justice by the oath of one witness, to be levied by distress; for want of distress, to be committed till paid.

Id.

And if the mariner deserts after he hath signed the agreement, he shall forfeit the wages due to him at the time of deserting; and on application to a justice within the jurisdiction where the offence was committed, from the master, owner, or commander of the ship, such justice may cause him to be apprehended; and if he shall refuse to proceed on the voyage, without sufficient reason to the satisfaction of the justice, the said justice shall commit him to the house of correction, there to be kept

kept to hard labour, not exceeding 30 days, nor less than 14 days.

And if any seaman absent himself from his ship without leave, he shall forfeit for every day's absence two day's pay to Greenwich hospital, to be deducted by the master out of his wages: and if any seaman not entering into the king's service, shall leave his ship before he hath a discharge in writing, he shall forfeit one month's pay, in like manner.

The master shall pay the seaman's wages, if demanded, in 30 days after the ship is entered in the custom-house, or at the time of discharge, which shall first happen.

Note, This act, by 2 G. 3. c. 31. is made perpetual.

Search-Warrant.

A JUSTICE cannot legally grant a blank warrant for the arrest of a single person, leaving it to the party to fill up, much less can he grant such a general warrant, as might have the effect of an hundred blank warrants.

A justice cannot, upon a bare surmise, make a warrant to break any man's house, to search for a felon, or for stolen goods; for the justices being created by act of parliament, have no such authority granted to them by any act of parliament.

But in case of a complaint, and oath made, of goods stolen, and that the party suspects that goods are in such a house, and shews the cause of his suspicion, the justice may grant a warrant (in the day time) to search in those suspected places mentioned in his warrant, and to attach the goods, and the party in whose custody they are found, and bring them before him, or some other justice, to give an account how he came by them, and farther to abide such order as to law shall appertain.

But in case of positive proof, it is right to execute the warrant in the night time, lest the offenders and goods also be gone before morning.

Such warrant ought to be directed to the constable, or other public officer, and not to any private person, though it is fit the party complaining should be present and assistant, because he knows his goods.

Whether the stolen goods are in a suspected house or not, the officer and his assistants in the day time may enter, the doors being open, to make search, and is justifiable by the warrant.

As touching the goods brought before him, if it appear to the justice that they were not stolen, they are to be restored to the possessor; if it appear they were stolen, they are not to be delivered to the proprietor, but deposited in the hand of the

2 G. 2. c. 36.

Id.

2 Haw. 82, 84.

4 Inst. 177.

2 H. H. 113, 150.

Barl. Search War.

2 H. H. 150.

2 H. H. 151.

Id.

sheriff or constable, to the end the party robbed may proceed, by indicting and convicting the offender, to have restitution.

2 H. H. 152.

As touching the party that had the custody of the goods, if they were not stolen, then he is to be discharged; if stolen, but not by him, but by another that sold or delivered them to him, if it appear that he was ignorant that they were stolen, he may be discharged as an offender, and bound over to give evidence as a witness against him that sold them; if it appear he was knowing they were stolen, he must be committed or bound over to answer the felony.

Servants.

Who may be compelled to serve, and for what term.

5 El. c. 4.

TWO justices (or the chief officer of a town corporate, and two aldermen, or two discreet burghesses if there be no aldermen) may appoint any woman of the age of 12 years, and under 40, and unmarried, and out of service, to serve, or be retained to serve by the year, or by the week or day, for such wages, and in such reasonable sort and manner as they shall think meet.

2 Inst. 42.

If a person retain a servant generally, without expressing any time, the law shall construe it to be for one year, for that retainer is according to law.

Dalt. c. 58.

If a servant retained for a year, happen within the time of his service to fall sick, or to be hurt or disabled by the act of God, or in doing his master's business; yet the master must not therefore put such servant away, nor abate any part of his wages for such time.

Rating of wages.

5 El. c. 4.

THE justices of every shire, the mayor and other head-officer within any city or town corporate, shall yearly in Easter sessions, or within six weeks next after, assemble, and call unto them such discreet and grave persons as they shall think meet, and shall have authority to rate and appoint the wages of servants, labourers, artificers, workmen, &c. as they shall think meet, and what wages every workman or labourer shall take by the great, for mowing, reaping, or threshing of corn and grain, or for mowing or making of hay, or for ditching, paving, railing, &c. by the rod, perch, or foot, and for any other kind of reasonable labour or service,

The

The justices in any division, where the sessions are kept, shall have power to rate the wages within such division, as if the same were done in the general sessions for the county. — No

clothier, being a justice of the peace in any precinct or liberty, shall be a rater of wages for the making of cloth.

If any justice resident within the county, or mayor, shall be absent at the rating of wages, and not hindered by sickness or other lawful cause, to be allowed by the justices then assembled for rating of wages, upon the oath and affidavit of some credible person, he shall forfeit to the king 10l. to be recovered in the sessions or other court of record, by indictment or otherwise.

If any clothier, or other, shall refuse to pay so much wages to their weavers, spinsters, workmen, or workwomen, as shall be rated, and be convicted thereof by confession, or oath of two witnesses, at the assizes or sessions, or before any two justices (1 Q.) he shall forfeit 10s. to the party grieved, to be levied by distress and sale.

Working in harvest.

A person may go abroad to work in harvest, carrying with him a certificate from the minister and one churchwarden or overseer, that he hath a dwelling-house or place in which he inhabits, and hath left wife and children, or some of them there (or otherwise as his condition shall require) and declaring him an inhabitant there.

By the vagrant act, persons carrying with him such certificate, shall not be liable to be apprehended as vagrants.

Servant fleeing into another shire.

IF a justice shall issue a warrant against any person, who shall escape into another shire, the constable or other person, on having the warrant indorsed by a justice in such other shire, may arrest him there, and carry him before a justice in such other shire, if the offence is bailable, to find bail, or else shall carry him back before a justice in the shire from whence the warrant did first issue.

Servant assaulting his master.

IF any servant, workman, or labourer, shall wilfully make an assault or affray upon his master or mistress, or upon any other having charge or oversight, and shall thereof be convicted before any two justices, or other head officer aforesaid, by confession, or oath of two witnesses, he shall be imprisoned for a

* See Appendix, No. 101.

year, or less, by the discretion of two justices out of a town corporate, and in a town corporate of the mayor or other head officer, with two others of the discreetest persons of the same corporation: and if the offence shall require further punishment, then he shall receive such other open punishment, as the justices in sessions, or the mayor or other head officer, and six or four at least of the discreetest persons of the corporation, shall think convenient for the quality of the offence.

21 H. 8. c. 7.

If any servant, to whom any goods shall by his master or mistress be delivered to be kept, shall go away therewith, to the intent to steal the same; or, being in his master or mistress's service, without his or her assent, shall embezzle or otherwise convert the same to his own use, with like purpose to steal it, if the same be of the value of 40s. or above, he shall be guilty of felony; but this not to extend to any apprentice, or any person within the age of 18 years.

Disputes between silk-masters and their workmen.

13 & 14 C. 2.

c. 15.

20 C. 2. c. 6.

EVERY silk winder and doubler, who shall purloin, embezzle, pawn, sell, or detain any part of silk delivered to them to wind or double, as well as the buyer and receiver thereof, being lawfully convicted, by confession, or oath of one witness, before one justice (or mayor) shall render to the party grieved such satisfaction for his damage and loss, and charges, as the justice shall order; or shall immediately on conviction by confession, or oath of one witness, be committed to prison, or to the house of correction, till satisfaction be given to the party wronged, or punishment inflicted as above.

13 G. 3. c. 63.

The wages of journeymen-weavers in the silk manufacture in London shall be settled by the lord mayor, recorder, and aldermen; in the county of Middlesex, by the justices of the said county; in the city and liberty of Westminster, by the justices there; within the liberty of the Tower, by the justices in and for the said liberty, at their general quarter-sessions respectively; who shall, within 14 days after, cause the same to be published thrice in any two daily newspapers in London or Westminster.

Id.

And if any master weaver shall give more or less wages than shall be so settled, he shall, on conviction before two justices, on the oath of one witness, forfeit 50l. by distress: to be paid to the master of the weaver's company, for the use of distressed journeymen.

Id.

And if any journeymen shall take more or less than so rated, or enter into any combination to raise the wages, he shall, on the like conviction, forfeit not exceeding 40s. to be applied in like manner: and if not paid immediately, he shall be committed to the house of correction to hard labour, not exceeding three months.

Two

Two justices, upon information on oath, that there is reason ^{13 G. 3. c. 68.} to suspect, that any master or journeyman hath been guilty of any of the offences aforesaid, may summon any clerk, apprentice, servant, or other person whose attendance appears necessary, to give evidence; and if such person shall not attend on the said summons, they shall issue their warrant to bring him before them; and if he shall refuse to give evidence, they shall commit him to the house of correction for one month, unless he shall sooner submit to be examined and give evidence.

If any master weaver, residing within the limits aforesaid, ^{Id.} shall retain or employ any journeyman out of the said limits, with intent to evade this act, he shall forfeit 50l. half to the king, and half to him that shall sue in any of the courts of record at Westminster.

No silk weaver, within the aforesaid districts, shall have ^{Id.} more than two apprentices at one time, on pain of 20l. to be recovered before two justices, as is aforesaid.

Persons convicted before two justices may appeal to the next ^{Id.} general quarter-sessions, or next general sessions.

Disputes between clothiers and their workmen.

CLOTHMAKERS shall pay to their labourers, their wages ^{4 Ed. 4. c. 1.} in money, and not in goods, and deliver wool to them to be wrought according to the due weight thereof; on pain of forfeiting treble value of the wages, and for every delivery of excessive weight 6d.

And every justice of the peace, mayor, &c. may hear and ^{Id.} determine differences, and commit the offender to the next gaol, till the said duties, forfeitures, and damages be paid.

Every weaver, &c. who shall purloin, sell, or detain any ^{17. c. 7.} part of the wool or yarn, and also the buyer and receiver thereof, knowing the same to be stolen or purloined, being thereof convicted by confession, or oath of one witness, before two justices, or before the mayor and one of the aldermen or most substantial persons of a town corporate, shall make such satisfaction for damages, as the said justices or chief officers shall appoint; and if the offender do not make satisfaction, he shall for the first offence be apprehended and whipped, or set in the stocks where the offence is committed, or in some neighbouring market town in the same county; and for the second offence, shall incur the like or such further punishment by whipping, or being put in the stocks, as the said justices or chief officers shall think convenient.

Every clothier, clothworker, &c. shall pay his workmen in ^{1 G. 3. c. 15.} money, and not in goods, on pain of 40s. on conviction (in 40 days) before one justice, on oath of one witness; to be distributed, if in London, to the benefit of Christ's hospital; elsewhere, to the poor where the offence shall be discovered; and if

if he shall not pay in 30 days, to be levied by the constable, by warrant of such justice, by distress: and where no sufficient distress can be found, he shall be committed to the common gaol or house of correction, to be kept to hard labour for three calendar months.

1 G. 2. c. 15. Offences against this act shall be determined by two justices on information on oath, within three calendar months; who shall levy the penalties by distress, half to the informer, and half to the poor; for want of sufficient distress, the offender shall be committed to gaol for any time not exceeding three months, or until satisfaction shall be made.

Id. And all disputes and demands, relating to work, wages, or damages, between any clothier or maker of woollen goods, and any weaver or other person employed in such manufactures, shall be determined by two justices, who shall on complaint summon the parties, and hear and examine on oath, and give such costs and damages to the party grieved, as they shall judge reasonable, and issue their warrant to levy such costs and damages (if not paid in ten days) by distress; and for want of such distress, shall commit the party to the county gaol or house of correction, for any time not exceeding three months, or till satisfaction be made.

Id. Persons aggrieved by order of such justices, may appeal to the next general quarter sessions, giving sufficient notice of such appeal.

Id. This act does not extend to any factor or his agent, who shall be only employed in the sale of mixt or medley broad-cloth.

Id. This act shall not extend to cloth made in Yorkshire, except to determine the forfeiture for selling cloths wanting in length, &c. and for over-stretching them, viz. 20s. for every inch wanting in breadth; and 20s. for every half inch short in length of 18 yards; and 40s. for fixing a false mark; to be paid in 21 days, and applied as the other penalties of this act.

Id. One justice, on information upon oath, that any person is, or is suspected to be, guilty of any the ill practices aforesaid, may issue his warrant to the constable or other peace officer, or to any churchwarden or overseer, directing him in the day time to enter into any house, shop, warehouse, or other suspected place, to search for and examine all such bars and weights as shall be made use of for the purposes before mentioned, by any such clothier or maker of woollen goods; and if such person shall interrupt the officer, he shall forfeit 5l.

29 G. 2. c. 33. If any clothier, &c. shall pay any person his wages by way of truck, or in any other manner than in money, he shall (on prosecution in three months) forfeit 20l. to be recovered by action of debt, by any person who shall sue for the same: or otherwise, before two justices, by confession, or oath of one witness, by distress (if not paid in 14 days); and to be distributed, half to the informer, and half to the poor; and for want

want of sufficient distress, he shall be committed to the house of correction for any time not exceeding three months, or until satisfaction shall be made.—Persons aggrieved by the order of the justices may appeal to the next sessions, first entering into recognizance, and giving eight days' notice in writing to the party in whose favour the order was made.—And the order of sessions shall be final: and no proceedings of the justices out of, or in the sessions, shall be removed by certiorari, or otherwise.

If any weaver, or other person, employed in the manufacturing of woollen cloth, or in preparing materials for that purpose, shall not return all working tools, or implements wherewith he shall be intrusted, and all wool, &c. delivered out to be wrought, or shall fraudulently increase the weight, he shall, on conviction before one justice where the offender shall reside, by confession, or oath of one witness, be committed to the house of correction for one calendar month.

14 G. 3. c. 25.

If any person shall fraudulently buy or receive any tools, implements, or materials, or if any person shall be charged on suspicion with having embezzled and kept back the wool and yarn delivered out to him, or with having sold, bought, or otherwise received the same, and oath shall be made thereof before one justice where the offence was committed, such justice shall issue his warrant to the constable, to enter into and search in the day time the dwelling-house of such person, and also such other house or place, in which the clothier or his servant shall make oath that he hath just cause to suspect that the said tools or materials may be secreted: and if, upon search, they shall be found, the constable shall seize the same, and apprehend the person in whose custody they shall be found, and bring him before the same or some other justice; and unless he can give a good account how he came by the same, to the satisfaction of such justice, he shall be thereof convicted, and suffer the like punishment as for not returning the tools or materials as aforesaid.

Id.

If the person accused shall request of the justice to appoint a reasonable time to produce the person of whom he bought or received the same, or any witness to prove the sale or delivery thereof; the said justice shall appoint such time as aforesaid, and shall issue a summons to the constable where such person or witness shall reside, requiring them to appear at such time and place as the justice shall appoint, in order to be examined on oath of the several matters aforesaid: but such person, at the time of making the said request, shall enter into recognizance for his appearance at the time so to be set; or for want of such recognizance, he shall be committed until the said time.

Id.

Upon information on oath made to any justice, that there is just cause to suspect, that any ends of yarn, or other refuse of cloth, druggat, or of other woollen goods, or of goods mixed

Id.

with wool, have been collected and received, and are lodged or concealed in any dwelling-house, or other place, such justice shall by his warrant cause every such place to be searched in the day time; and if any of the said goods or materials, flocks and pinions only excepted, above the quantity of three pounds shall be found therein, he shall cause the person in whose house or other place the same shall be found, to be brought before him or some other justice: and on proof made upon oath before such justice, that such goods or materials were found in the house or other place of such person so brought before him; the said person, not exculpating himself to the satisfaction of such justice, shall suffer the like punishment as for not returning the tools or materials as aforesaid.

14 G. 3. c. 25.

The justice shall cause the conviction to be written on parchment, and filed at the next sessions: and at the time of the conviction, shall make known to the party convicted, that he hath a right to appeal to the next sessions; who, upon proof of such notice and recognizance, shall hear and determine the matter, and may award costs to either party.

Id.

In case of a second offence, such justice shall commit him to the house of correction till the next sessions, or until he shall have entered into recognizance with sufficient sureties to appear at such sessions, and abide the order of the justices there; and the justices shall also bind over the informer to prosecute at such sessions: and if the person informed against shall be found guilty at the said sessions, the justices there shall commit him to the house of correction for any time not exceeding three calendar months. But if it appear to the said justices, that such person hath been already convicted at some sessions of any offence against this act, then they shall, upon conviction, commit him to the house of correction for any time not exceeding six calendar months, and also order him to be once publickly whipped at such time and place as they shall appoint.—Information upon oath to be made before a justice, within three calendar months after the offence committed.

Disputes between masters and servants in the woollen, linen, fustian, cotton, and iron manufactures.

1 An. B. 2.
c. 18.

IF any person employed in these manufactures shall embezzle or purloin any materials, and shall be convicted by oath of one witness, or confession, before one justice, he shall forfeit double the value of the damages; and if he shall neglect or refuse to pay the same, the justice shall commit him to the house of correction until satisfaction shall be made: and if it shall appear

pear to the justice, that he is not able to make satisfaction, he shall be there publickly whipped, and kept to hard labour not exceeding 14 days.

All payments to the said workmen shall be in money, and not in cloth, victuals, or other commodities: and all wages, demands, frauds, and defaults of labourers, in the said manufactures, concerning work done, shall be determined by two justices, who may summon and examine witnesses on oath: persons aggrieved may appeal to the sessions to be holden next after notice of the order of the said two justices.

1 An. st. 2. c. 18.

If any person employed as aforesaid shall purloin, embezzle, or otherwise illegally dispose of any materials, and shall be convicted thereof, he shall forfeit double value of the damages, together with such costs as the justice shall judge reasonable; and if not paid immediately, the said justice shall cause him to be committed to the house of correction, to be whipped and kept to hard labour, not exceeding 14 days; and for a second, or other subsequent offence, he shall forfeit four times the value of the damages, together with such costs as the justice shall judge reasonable; and if not paid immediately, then such or any other justice shall cause him to be committed to the house of correction, to be kept to hard labour for any time not exceeding three months, nor less than one month, and also during the time of such commitment, shall cause him to be publickly whipped in the market town where he shall be committed, at the market place or cross, once or oftener, as to such justice shall seem reasonable.—The receivers of the same shall be subject to the like penalties.—The forfeitures by both these acts shall be half to the party injured, and half to the poor; with the liberty of appealing to the sessions.

13 G. 2. c. 8.

Disputes between masters and their workmen in the leathern manufactures.

IF any person employed in the leathern manufactures shall fraudulently purloin or embezzle any wares of this kind, and be thereof convicted by the oath of one credible witness, or confession, before the justice where the offence shall be committed, or the offender shall reside, such justice may award him to make satisfaction to the party injured, not exceeding double the value, half to the party grieved, and half to the poor, together with full charges attending the conviction; to be levied by distress and sale; and if he shall not pay immediately, such justice shall commit him to the house of correction or other public prison, to be kept to hard labour for 14 days, and whipped in such manner as the justice shall direct; and for a second, or other subsequent offence, he shall forfeit four

Id.

times the value of the damages, together with such costs as the justice shall judge reasonable; if not paid immediately, he shall be committed to the house of correction or other public prison, to be there kept to hard labour not exceeding three months, nor less than one month, and also during such commitment to be publicly whipped in the market town where he shall be committed, at the market place or cross, once or oftener, as to such justice shall seem reasonable.

13 G. 2. c. 3.

And every person who shall knowingly or willingly receive any the said goods or materials, or offer so to do, shall, on like conviction, make such recompence in two days, or else be subject to such distress; and for want of sufficient distress, be liable to the like punishment, as the person so purloining or otherwise disposing thereof; and so for the second and every subsequent offence.

Id.

All payments to workmen employed in the said manufactures, shall be in money, and not in goods, except by their own request and consent; and if such labourer or manufacturer shall be guilty of any fraud, abuse, neglect, or default in the work by him undertaken to be done, he shall answer to the owner double damages.

Id.

All wages, demands, frauds, and defaults of labourers and manufacturers in the said trades, shall be determined by two justices, who may summon and examine witnesses upon oath.

Id.

Every person employed by any one master, and neglecting the performance thereof, shall, on conviction by oath of one witness before one justice, be sent to the house of correction, to be kept to hard labour not exceeding one month.

Id.

Persons aggrieved by any order of the said two justices, may appeal to the next sessions, giving eight days notice; and the sessions may award costs to either party.—But no order of such two justices shall be appealed against, or quashed, for want of form only.

Disputes between masters and their workmen, in the making of hats, or in the woollen, linen, fustian, cotton, iron, leather, furr, hemp, flax, mohair, or silk manufactures.

22 G. 2. c. 27.

17 G. 3. c. 56.

IF any person hired or employed in any of these manufactures shall purloin or embezzle any of the materials with which he shall be intrusted, and be convicted thereof by the oath of one credible witness, or confession, before two justices, he shall for the first offence be committed to the house of correction or other public prison, there to be kept to hard labour, for not less than 14 days, nor more than three months; and for a second

cond on any other subsequent offence, not less than three months, nor more than six months; and the justices may likewise, for the first or any subsequent offence, order the offender to be once publickly whipped, if such additional punishment shall by them be deemed proper.

The receiver of any of the said materials, knowing them to be purloined or embezzled, shall, for the first offence, forfeit not more than 40*l.* nor less than 20*l.*; the same to be applied, by direction of the justices, in the first place, to defray the expences of the prosecution; next, to make such satisfaction to the party injured as the justices shall think proper; afterwards, to the informer a sum not exceeding 10*l.*; and the remainder to the poor of the place where the conviction shall be, or to such other public charity as the justices shall appoint; and if the said penalty shall not be paid on conviction, the justices shall commit the offender to the house of correction or other public prison, there to be kept to hard labour, for any time not more than six months, nor less than three months, unless the penalty shall be sooner paid; or the justices may send him to the house of correction or other public prison, for three days exclusive of the day of commitment, with an order that within the said time the offender shall be once publickly whipped at the market place or some other public place, where the offender shall be committed.—For a second offence, the justices shall commit him to the house of correction or other public prison, till the next general, or general quarter-sessions, or till he shall have entered into recognizance to answer for such offence at the said sessions; and the justices there shall hear and determine the matter; and if the person shall be convicted, he shall forfeit not more than 100*l.* nor less than 50*l.* to be recovered and distributed in like manner as the penalty for the first offence.

22 G. 2. c. 27.
17 G. 3. c. 56.

Although the purloined materials be worked up, or otherwise disposed of, so that it may be difficult to convict the offender, two justices as aforesaid, or the justices in sessions respectively, on proof upon oath that such person hath purloined or embezzled, or received such materials knowing them to be purloined or embezzled, may convict the offender, altho' no proof shall be given to whom such materials belong.—All which provisions shall extend to all tools and implements; and also to all drugs or ingredients for dying, preparing, and manufacturing the same.

27 G. 3. c. 56.

If any person shall wilfully damnify, spoil, or destroy any work committed to his charge, he shall, on conviction as aforesaid, forfeit to the owner double value, by distress; for want of sufficient distress, the offender shall be committed to the house of correction, to be kept to hard labour, for any time not exceeding three months, or till satisfaction be made.

22 G. 2. c. 27.

If

27 G. 3. c. 56.

If any person hired or employed to work up materials for any master, shall neglect the performance thereof for eight days successively; or having taken in any materials for manufacture from one master, shall afterwards take in any from another master; or suffer himself to be employed in any other occupation sooner than eight days before the completion of the work first taken; he shall be sent to the house of correction or other public prison, to be kept to hard labour, not exceeding three months, nor less than one: and if any person shall receive any of the said materials in a fictitious name, in order to be manufactured, or shall receive the same in his own name, and afterwards deliver them to any other person to be manufactured; or if any carrier, or other person employed to deliver such materials, shall deliver the same to any other person than him to whom the owner ordered them to be delivered, he shall suffer, as in case of neglecting performance of the work for eight days.

27 G. 3. c. 56.

It shall be lawful for the owner of the materials to enter at all seasonable hours in the day time, into the shop, outhouse, or other place, of any person employed by him to work up any the said materials, and there to inspect the condition thereof; and if any person shall refuse to permit such entrance or inspection, he shall forfeit any sum at the discretion of the justices, not less than 40s.; to be levied and applied as for having materials, and not being able to give a satisfactory account how he came by them.

II.

And if any person entrusted with any of the said materials, in order to work up the same, shall neglect, for the space of eight days after the work shall be finished, to return (if required by the owner) so much of the said materials as were not used, he shall suffer as for purloining or embezzling.

II.

Two justices, on complaint upon oath, that there is cause to suspect, that any embezzled materials are concealed in any dwelling-house, or other place, may by their warrant cause the same to be searched in the day-time; and if any such materials shall be found, they may cause the same and the person in whose possession they were found, to be brought before them or any other two justices of the district; and if such person shall not give an account to the satisfaction of the justices how he came by the same, he shall be convicted, altho' no proof shall be given to whom the materials belong: and every peace officer, and watchman, during the time he is upon duty, may apprehend any person who may be reasonably suspected of carrying, after sun-setting and before sun-rising, any such materials, and the same, together with such person, may carry before two justices; and if he shall not produce the party of whom he bought or received the same, or shall not give a satisfactory account how he came by the same, he shall be convicted

in

in like manner, altho' no proof shall be given to whom such materials belong.—Provided, that in either of these cases, if the person who shall be brought before the justices shall request them to appoint a reasonable time to produce the person of whom he bought or received the same, or a witness to prove the sale or delivery thereof, the justices may appoint such time, and issue a summons to the constable where such person or witness shall reside, requiring him to appear and give evidence: but such person, at the time of his request, shall enter into recognizance, for his appearance at the time; or, for want of such recognizance, shall be committed until such time appointed.

And when a person shall be convicted in either of the cases foregoing, the justices may cause the materials so found or seized to be deposited with the churchwardens or overseers, for any time not exceeding 30 days; and in the mean time shall order them to advertise the same in some newspaper usually circulated there, or otherwise to cause notice to be given by some public cryer, and by fixing such notice on the church or chapel door, that those who have lost such materials may come and claim the same: and if any person can prove them to be his, the justices shall order them to be restored to the owner, he paying the charges of removing, depositing, and giving notice.—But if before the end of 30 days no person shall prove his property, the justices shall order the same to be sold, and after deducting such charges as aforesaid, together with the charges of sale, one moiety of the money arising from such sale shall be given to the prosecutor, and the other moiety either to the poor where the conviction shall be, or to such public charity as the justices shall appoint: and the offender shall forfeit for the first offence 20*l*. for the second offence 30*l*. and for every subsequent offence 40*l*.—All which said respective forfeitures shall be levied by distress, and distributed half to the informer, and half to the poor where the conviction shall be, or to such public charity as the justices shall appoint: if no sufficient distress shall be found, the justices shall commit the offender to the common gaol or other prison, or to the house of correction, for one month for the first offence, for two months for the second offence, and for six months for every subsequent offence.

If any person employed as a journeyman dyer, servant, or apprentice, in the dying of any felt or hat, or any woollen, linen, fustian, cotton, leather, fur, flax, mohair, or silk materials, shall, for his own profit, and without consent of the master, dye any of the same, whether wrought or unwrought, he shall for the first offence forfeit 10*s*. for the second offence 20*s*. and for every subsequent offence 40*s*.—Or if any person shall procure any such materials to be dyed by any such journeyman, servant, or apprentice, without consent of the master,

master, he shall forfeit for the first offence 5s. for the second offence 20s. and for every subsequent offence 41s. to be recovered as aforesaid before two justices, on the oath of one witness, to the use of the informer; and in case of non-payment, on conviction, the offender to be committed to the common gaol or house of correction for any time not exceeding one month.

22 G. 2. c. 27.

And all contracts or agreements made in any unlawful clubs and societies, by any persons employed in any of the manufactures aforesaid, for settling the prices of goods, or for advancing their wages, or for lessening their usual hours of work, shall be void: and if any such person shall be concerned in any such combination, he shall, on conviction in three calendar months, on the oath of one witness, before two justices, be committed to the house of correction, to be kept to hard labour, not exceeding three months, or to the common gaol not exceeding three months.—And if any person shall assault or abuse any master or other person concerned in any of the said manufactures, whereby he shall receive any bodily hurt, for not complying with any such illegal bye-laws, or shall write or cause to be written, or knowingly send or cause to be sent any threatening letter, &c. to any such person, for not complying with any demands of his workmen, he shall, on conviction by indictment, in 12 calendar months, be guilty of felony, and transported for seven years.

13 G. c. 23.

The master shall pay his workmen in money, and not otherwise: and for the more easy recovering the said wages, two justices upon complaint (in three months) shall summon the party offending, and for non-payment shall issue their warrant to levy the same by distress; and for want of sufficient distress, shall commit the offender to gaol for six months, or until he shall pay, or give full satisfaction for the same; and every person paying the same otherwise than in money, shall forfeit 10l. half to the informer, and half to the party grieved, by distress as aforesaid.

27 G. 3. c. 56.

In order to recover the penalties on these acts, one justice on complaint to him on oath, may issue his warrant for apprehending the person accused, and bringing him before two justices; who shall proceed to hear and determine the offence. And any inhabitant of the parish, township, or place, where the offence shall be committed, shall be deemed a competent witness, notwithstanding his being an inhabitant there.

Id.

The conviction shall be written on parchment, in this or the like form: *Be it remembered, that on the* *day of* *1701* *in the year of our Lord* *, A. B. was convicted before us* *of his majesty's justices of the peace in and for the said* *county of* *, of* *[here specify the offence, and* *when and where committed.] Given under our hands and seals* *the day and year first above written.*

If

If any person shall think himself aggrieved by any order of judgment of the two justices, he may appeal (and at the time of the conviction the justices shall make known to him his right to appeal) to the next general, or general quarter sessions; such person, at the time of the conviction, giving to the justices notice in writing of his intention to appeal, and entering into recognizance with sufficient sureties to try the appeal, and to abide the judgment of, and pay such costs as shall be awarded by, the court: but if he shall not at the time of giving notice enter into such recognizance, the justices shall commit him to the house of correction or other public prison until the sessions, unless such recognizance shall be sooner entered into.—And the justices at such sessions, upon determining the appeal, may award costs to either party. 17 G. 3. c. 56.

If any person shall reel false or short yarn, and shall be thereof convicted* by the oath of the owner of the yarn, or of one witness, or by confession, before one justice where the offence was committed, or the offender shall reside, he shall, for the first offence, forfeit a sum not exceeding 20s. nor less than 5s.; for the second offence, not exceeding 5l. nor less than 40s.; and for the third and every other offence, he shall be committed to the house of correction or other public prison, to be kept to hard labour for one calendar month, and be once publickly whipped at the market town nearest to the place where the offence was committed, on a market day: all which forfeitures shall go to the party aggrieved. 14 G. 3. c. 44.

And the conviction shall be in this form: *Be it remembered, Id. that on the day of in the year of our Lord A. B. is convicted before me one of his majesty's justices of the peace, for* [specifying the offence, and the time and place when and where committed, and also specifying that it is the first, second, or third offence against this act.] *Given under my hand and seal, the day and year first above-mentioned.*

Which conviction shall be written on parchment, and filed at *Id.* the next sessions.

If any persons so convicted shall be desirous of appealing to *Id.* the next sessions, he may, at the time of the conviction, enter into recognizance, conditioned to try such appeal, abide the order of, and pay such costs as shall be adjudged by the justices at such sessions.—And the justices there shall take recognizance of the appeal, and may affirm such conviction, and award such costs as they shall think proper.

If the pecuniary penalties for reeling false or short yarn, together with the costs and charges attending the prosecution, shall not be paid according to the order of such justice, the same shall 15 G. 3. c. 14.

* Upon which Dr. Burn justly observes, that it is a singular instance of a conviction on the oath of a person doubly interested, namely, both as owner of the goods, and as entitled to the whole forfeiture.

be levied by distress, together with the costs and charges of distress and sale; and if goods sufficient cannot be found, such justice shall commit the offender to the common gaol or house of correction for one calendar month, unless such penalties and charges shall be sooner paid.—And persons aggrieved on this act may appeal to the next sessions, who shall finally hear and determine the matter of complaint.

Disputes between masters and their workmen, in the bone and thread lace manufactory.

19 G. 3. c. 49.

ALL lace merchants and dealers in lace shall pay the persons employed by them for their labour, and for all the lace bought of them, in money only, on pain of 10*l.* to the party aggrieved; by warrant of one justice by distress; for want of sufficient distress, shall be committed to the common gaol or house of correction for six calendar months, unless such penalty, and the charges attending the recovery thereof, be sooner paid.

14.

Persons aggrieved may appeal to any sessions to be holden within six months after the cause of complaint shall arise, giving 14 days notice; and the sessions shall hear and finally determine the same, and may give costs to either party, and levy the same by distress.

Disputes between masters and their workmen in the manufacture of clocks and watches.

27 G. 2. c. 7.

IF any person shall purloin, embezzle, secrete, sell, pawn, exchange, or otherwise unlawfully dispose of any clock, watch, gold, silver, or other metal or material, or any part thereof, or any diamond or other precious stone, with which he shall be entrusted; and shall be thereof convicted by the oath of the owner, or other credible witness, or on confession, before one justice, where the offence shall be committed, or the person so charged shall reside, he shall for the first offence forfeit 20*l.* and if not forthwith paid, the justices shall commit him to the house of correction or other public prison, there to be kept to hard labour for the space of 14 days, unless the forfeiture shall be sooner paid; and if within two days before the expiration of the said 14 days such forfeiture shall not be paid, the justice may order him to be publicly whipped at the market place, or some other public place, of the city, town, or place, where he shall be committed; and for a second, or other subsequent offence, he shall forfeit 40*l.* in like manner, and if not paid forthwith, the justice shall commit him as aforesaid, to be kept to hard labour for any time

time not exceeding three months, nor less than one month, unless the forfeiture shall be sooner paid; and if within seven days before the expiration of the time for which he shall be committed, the forfeiture shall not be paid, the justice may order him to be whipped in like manner, twice or oftener, as to such justice shall appear reasonable:

And if any person shall buy or receive any clock or watch, or part thereof, or any diamond or other precious stone, knowing the same to be so purloined, he shall, on the like conviction suffer as above. 27 G. 2. c. 7.

One justice on complaint to him made upon oath, of any offence against this act, may issue his warrant for apprehending and bringing before him, or before any other justice of the same place, the person so charged. Id.

And the conviction shall be in this form: Id.

Middlesex, } *BE it remembered, on the day of in*
to wit, } *the year of his majesty's reign, A. B. was*
convicted before me [or us if more than one] of his majesty's
justices of the peace for the said county of [or for the
riding (or division) of the said county of [or for the city,
liberty, or town of in the said county of (as the
case shall be) of purloining, embezzling, or unlawfully disposing of,
or of buying, receiving, or taking to pawn (as the case shall be)
specifying the respective goods, materials, or effects, the property
of C. D. of in the county of . Given under my
hand and seal (or our hands and seals) the day and year aforesaid.

Disputes between masters and servants in husbandry, artificers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, and other labourers.

ALL complaints, differences, and disputes between masters or mistresses and servants in husbandry hired for a year [or for less time]; or between masters and mistresses and artificers, and other labourers employed for any certain time or in any other manner, shall be determined by one justice, where the master or mistress shall inhabit, although no rate or assessment of wages has been made that year; which justice shall examine on oath any such servant or other the said persons, or any other witness touching such complaint, and make such order for payment of wages, as to him shall seem just and reasonable, provided that the sum in question do not exceed 10l. with regard to any ser- 20 G. 2. c. 14.

* See appendix, No. 70.

van^t, nor § 11. with regard to any other persons before mentioned; and in case of non-payment for 21 days, such justice may issue his warrant to levy the same by distress.

20 G. 2. c. 19.

Such justice on application or complaint on oath by any master, mistress, or employer, against any such servant, or labourer, concerning any misdemeanor, miscarriage, or ill behaviour in his or her service or employment, may hear and determine the same, and punish the offender by commitment to the house of correction, there to remain and be corrected, and held to hard labour not exceeding one calendar month, or otherwise by abating some part of his or her wages, or by discharging such servant or other the said persons from their service or employment.

Id.

And in like manner, such justice, on complaint or application on oath by any such servant, artificer, or other labourer, against such master, mistress, or employer, concerning any misusage, refusal of necessary provision, cruelty, or other ill treatment, may summon such master, mistress, or employer, to appear before him at a reasonable time to be prefixed in such summons; and he shall examine into the matter of such complaint, and upon proof thereof made upon oath, to his satisfaction, may discharge such servant, or other person aforesaid, from his service and employment, which discharge shall be given under his hand and seal gratis.

Id.

If any person shall think himself aggrieved by such determination, order, or warrant of such justice (except any order of commitment) he may appeal to the next sessions, who may award costs to either party, not exceeding 40s. to be levied by distress, in manner before-mentioned.—Nothing herein shall extend to the stannaries in Devon and Cornwall.

6 G. 3. c. 25.

If any artificer, callico printer, handicraftsman, miner, potter, labourer, or other person, shall contract with any person for any time or term, and shall absent himself from his service before the term of his contract shall be compleated, or be guilty of any other misdemeanor; it shall be lawful for one justice on complaint upon oath, to issue his warrant to apprehend such person complained of, and to examine into the nature of the complaint; and if it shall appear to such justice, that the person complained of hath not fulfilled his contract, or hath been guilty of any misdemeanor, the said justice shall commit him to the house of correction, for any time, not exceeding three months, nor less than one month.

Id.

Persons aggrieved may appeal to the next sessions, giving six days notice to the justice and to the parties; and entering into recognizance, within three days after such notice, before a justice, with sufficient surety, to try the appeal at, and abide the

* See appendix, No. 69.

† See appendix, No. 74.

order or judgment of, and pay such costs as shall be awarded by the justices at such sessions.

Tailors and their workmen within the bills.

THE hours of work for servants or journeymen to be employed in the taylor-business, within London and five miles thereof, shall be from six in the morning till seven in the evening, with an interval of one hour only for refreshment. And the wages for the same shall be, any sum not exceeding 2s. 7d. $\frac{3}{4}$ a day; except during the space of one calendar month from the publication of any order for a general mourning by the earl marshal in the London gazette; and during that space, any sum not exceeding 5s. 1d. $\frac{1}{2}$.

7 G. 3. c. 13.

And if any master shall give, or any workman within the said limits shall take, any more or greater wages than as aforesaid, he shall, on information or prosecution within three months, and conviction thereof, before two justices, by confession or oath of one witness, be committed to the house of correction, there to be kept to hard labour, or to the common gaol, for any time not exceeding two months, nor less than 14 days.

8 G. 3. c. 17.

Any two justices within the limits aforesaid, upon information on oath made to them, that there is reason to suspect that any person hath given or received greater wages than as aforesaid, shall issue their summons requiring any person employed by the person so suspected to have offended, or any other person, whose attendance such informant shall think necessary for the purpose of giving evidence, to attend such justices, or some other two justices acting for such county or place, to testify concerning the premises; and if such person shall not attend, such two justices, or any other two justices acting for such county or place, shall issue their warrant to apprehend and bring such person before them, or some other two justices acting for the said county or place, to be examined touching the premises in the said information: and if any such person so attending, or being brought before such justices, shall refuse to be examined or give testimony, he shall, by the said justices, be committed to the house of correction, until he shall submit to be examined and give testimony as aforesaid.

Id.

The mayor, aldermen, and recorder of London, at their general quarter-sessions, or general sessions, shall, from time to time, on application to them made, alter, regulate, and order the wages for persons employed in the business of making men and women's clothes within London and five miles thereof, and the hours of work; and within fourteen days after making every such order, shall cause the same to be printed and published,

Id.

published, at the reasonable expence of the persons applying for the same, in any two daily newspapers in London or Westminster.

8 G. 3. c. 17.

Nothing herein shall extend to regulate the wages or hours of work of persons employed as foremen; or to hinder the paying or receiving other wages (not exceeding 6d. an hour in time of general mourning, and 3d. an hour at any other time) before or after the hours of work.

Id.

And if any master residing within the limits shall employ any person out of the said limits, with intent to elude the act, and shall give greater wages than as aforesaid, he shall forfeit 500l. with costs, half to the king, and half to him that shall sue.

Id.

Persons convicted by the two justices as aforesaid, may appeal to the next general quarter-sessions or general-sessions, giving immediate notice of such appeal, and finding sufficient security to the satisfaction of such justices, for being personally present at the said sessions, and for prosecuting the appeal with effect, and abiding by the judgment of the court.—And the sessions may award costs to either party.—And if the conviction shall be confirmed, the appellant shall be committed to prison for the time specified in the conviction, and until payment of costs.

Shoemakers and their workmen within the bills.

9 G. c. 27.

IF any journeyman shoemaker within the bills of mortality, shall be accused by his master of purloining any shoes or other wares or materials, one justice where the offence shall be committed, or the offender shall inhabit, on oath of such offence, may summon the party, or issue his warrant to apprehend him; and if the same is proved before him by confession, or oath of one witness, he shall award satisfaction for damages and charges, and levy the same by distress; and for want of sufficient distress, shall cause the offender to be whipped where the offence was committed; and for a second or other offence, he shall commit him to the house of correction, not exceeding one month, nor less than 14 days: and every person, who shall buy, receive, or take in pawn the same, shall be subject to the same punishment.

Id.

Two justices, on complaint on oath, may issue their warrant for searching in the day-time for goods so purloined, and break open doors, and every person hindering such search shall forfeit 10l. to him who shall sue in two months; and if such goods shall be found, they shall restore them to the owner, and cause the offender to make satisfaction for the damages and charges, as aforesaid.

Id.

And every person retained by one master, who shall suffer himself to be retained by any other, before he hath finished his work

work, shall, on conviction upon oath of one witness, before one justice, be sent to the house of correction for any time not exceeding one month.

Persons aggrieved, may appeal to the next session, giving 9 G. c. 27. eight days notice.

Duty on Servants.

The commissioners of the duties upon houses and windows shall be commissioners to put this act in execution. 17 G. 3. c. 39.

Prosecutions under this act, within the limits of the excise-office, shall be determined by the commissioners of excise, and in other parts of the kingdom, by any two or more of the justices of the peace residing near to the place where such forfeitures shall be made, or offence committed; and if the party finds himself aggrieved, he shall and may appeal to the justices of the peace at the next quarter-sessions, who are hereby authorized and empowered to hear and determine the same, whose judgment therein shall be final. 21 G. 3. c. 31.

It shall be lawful for the said commissioners and justices, *Id.* where they shall see cause, to mitigate or lessen any penalties and forfeitures, in such manner as they shall think fit, the reasonable costs and charges of the prosecution being allowed, over and above such mitigation, so as not to reduce the penalty to less than one fourth part thereof, over and above the said costs and charges; one moiety thereof to and for the use of his majesty, his heirs and successors, and the other moiety to the discoverer or informer of the same.

The two above cited acts being repealed, it was enacted, that from and after July 5, 1785, the following duties are to be paid for all male servants, not employed in husbandry: for one or two, 1l. 5s. each; for three or four, 1l. 10s. each; five to seven, 1l. 15s. each; eight to ten, 2l. each; for eleven, and upwards, 3l. each. 25 G. 3. c. 43.

An additional 1l. 5s. is to be paid for every male servant retained by unmarried men above 21 years of age.

From and after the 5th day of July, 1785, every person who shall retain or employ any one female servant, and not more, shall, for such female servant, pay annually the sum of 2s. 6d.; for two, 5s. each; for three or more, 10s. each.

And male persons unmarried, above 21 years of age, shall pay pay an additional 2s. 6d. for one female servant; 5s. each, for two female servants; and 10s. each, for three or more female servants.

The duties granted by this act are not to extend to servants employed, bona fide, in husbandry, dairy, or manufacture, or any

any trade or calling (other than waiters) by which the master or mistress of such servant shall earn a livelihood or profit.

25 G. 3. c. 43.

The duty for every coachman, groom, postillion, or helper, let out to hire by way of jobb, shall be paid by the master or mistress, for whose use and in whose service they shall be employed respectively; and the duty hereby granted for every gardener, retained or employed by any person or persons who shall contract for the keeping of any garden or gardens, shall be paid by the person or persons for whose use and in whose garden such gardener shall be employed.

Nothing in this act shall extend to exempt any person or persons from the payment of any of the duties granted by this act, in respect of any servant, under pretence that such servant is or shall be bound as an apprentice to such person or persons; save and except such apprentices as are or shall be imposed upon any master or mistress, by magistrates and parish officers, so as the number of such apprentices, so imposed upon any master or mistress, does not exceed two: provided always, that nothing herein contained shall extend to exempt any such apprentice or apprentices who is or are employed as livery servants.

This act shall not extend to charge with any of the duties hereby granted, the butler or butlers, manciple, cook or cooks, gardener or gardeners, or porter or porters, of any college, or hall, within either of the universities of Oxford or Cambridge, or the universities of Edinburgh, Glasgow, Aberdeen, or St. Andrews, in Scotland, or of the several colleges of Westminster, Eaton, or Winchester: or the servants of his majesty, or any of the royal family; or of any ambassador or foreign minister residing in the kingdom of Great Britain.

Nothing herein contained shall extend to any of the royal hospitals of Christ, Saint Bartholomew, Bridewell, Bethlem, Saint Thomas, in the city of London and borough of Southwark, or Guy's, or the Foundling hospital.

One servant of any officer under the rank of a field officer, shall not be liable to the duties; nor one servant of any officer disabled in his majesty's service, and on half pay.

Every person who shall have living in their houses two or more lawful children or grand-children, under the age of 14 years, shall, in respect of every two such lawful children or grand-children, be exempted from the payment of the duties by this act imposed for one female servant; and so in proportion for any greater number, abating one female servant, and lowering the rate of duty in the manner herein-before provided, for every two such children or grand children.

Female servants above sixty years of age, or under 14, are not liable to the duties.

The

The duties charged by this act are to be collected by such persons, and paid into the exchequer under such penalties, &c. as are appointed for the duties on houses and windows. The commissioners of the aforementioned duties on houses, shall be commissioners for putting this act in execution.

The first meeting shall be on or before the 5th day of July, 1785, and afterwards yearly, and every year, at such day or time as the said commissioners for the time being shall think proper to appoint, on or before the 30th day of April.

The commissioners, on default of meeting on the day above-mentioned, may meet afterwards, &c. in order to execute the powers of this act, so as that the said duties charged by this act may be duly and effectually assessed, raised, levied, and paid to his majesty, his heirs and successors, notwithstanding any such default or defect as aforesaid.

No person shall presume to act as a commissioner in the execution of this act, (except in administering the oath herein after expressed) until he shall have taken the several oaths requisite to qualify him for acting as a commissioner of the several duties charged on houses, and windows or lights; and also shall have taken the following oath:

I A. B. do swear, that I will truly and faithfully execute the office of a commissioner, according to an act made in the 25th year of king George the third, to repeal the duties on male servants; and for granting new duties on male and female servants; and that I will determine upon all appeals which shall be brought before me, under the said act, according to the best of my skill and knowledge.

So help me God.

Which oath any two or more of the commissioners are hereby authorized to administer; and if any person shall act as a commissioner for the execution of this act, except as aforesaid, before he shall have taken such oaths as aforesaid, he shall, for every offence, forfeit the sum of 100l.

The assessment of the duties charged by this act shall be made for one year, from the 5th day of April in every year.

The said duties shall be paid at the times and in the proportions following, (that is to say) quarterly, on the fifth day of January, the fifth day of April, the fifth day of July, and the 10th day of October, in every year, by equal portions; the first of the said quarterly payments to be made on the 10th day of October, 1785.

If there shall be a neglect of appointment of assessors of the said duties on houses, and windows or lights, or if the assessors appointed shall neglect what is required of them by this act, the surveyor or surveyors, or inspector or inspectors, appointed or to be appointed under the authority of the said acts, relative to the duties on houses, and windows or lights,

or any of them, shall perform such and the like services as, by the said acts or any of them, are required from such assessors.

25 G. 3. c. 43.

Every person so appointed or to be appointed assessor, or any surveyor or inspector hereby authorised to act as an assessor, shall, before he presumes to act in the execution of the said office or employment, take (besides the oaths or affirmations required to be taken by assessors by the before mentioned acts relative to the duties on houses, and windows or lights, or any of them) an oath, or, being one of the people called Quakers, make and subscribe a solemn affirmation, in the following form:

I A. B. do swear, [or affirm, as the case may require], that in the assessment which I am required to make by authority of an act made in the 25th year of king George the third, to repeal the duties on male servants; and for charging new duties upon male and female servants; I will act according to the best of my skill and knowledge.

So help me God.

Id.

Which oath or affirmation any two or more of the commissioners are hereby authorised and required to administer; and if any person shall presume to act, before he shall have taken the aforesaid oath or affirmation, he shall forfeit for every such offence, the sum of 20*l*.

Id.

The said commissioners naming in their precepts whom they shall think fit to be assessors under the said acts, relative to the said duties on houses, and windows or lights, or any of them, shall cause notice to be inserted, that such persons are also appointed assessors of the duties granted by this act.

Id.

Assessors shall, within 14 days after such their appointment yearly, give or leave notice in writing, to or for every person keeping any male or female servant liable to the duties granted by this act, within the limits of the places for which such assessors are to act, at his or her dwelling house, to prepare or produce, within 14 days, separate lists in writing of his or her male and female servants retained or employed within such limits, describing the christian name and surname of each servant, and the capacity in which each shall have been retained or employed, and to contain the greatest number of servants, male and female, which such person shall have retained or employed at any one time in the course of the year ending the 5th day of April preceding such notice; and every such person shall, after such notice so given or left, make out the said lists, and sign the same with his or her own name, and deliver the same, or cause the same to be delivered, to such assessor or assessors, who are hereby required and directed to call for the same.—If any such person shall neglect or refuse to make out such lists, the assessor or assessors shall, from the best information he or they can obtain, make an assessment upon such person,

son, in respect to the number of male and female servants; and every such assessment shall be final upon the person thereby charged, who shall not be at liberty to appeal therefrom, unless such person shall alledge and prove such excuse for not having delivered his or her list, as the commissioners for executing this act shall think reasonable and sufficient.

If any person, having been assessed under this act in one parish for his or her servants within the same, shall be again assessed in another, for such servants, or any of them; the commissioners present, or the majority of them, on any application for the purpose, are hereby required to alter any assessment of such person so assessed twice, on proof that such person has paid the said duties in another place, to the satisfaction of the commissioners present, or the majority of them. 25 G. 3. c. 43.

Every person called upon to give lists, shall, at the same time, make a declaration, signed by him or her, of the number of servants respectively he or she shall mean to pay for at every other place, specifying the particular parishes or parish, districts or district, wherein he or she shall mean to pay for such other servants respectively, so as that every such list or declaration shall contain the whole number of servants retained by such master or mistress within the kingdom of Great Britain; and the said assessors shall enter the list or declaration last mentioned at the end of their several assessments, and deliver the said list or declaration to the surveyor for each parish or district, in order that he may transmit the particulars thereof to the commissioners for managing the affairs of taxes. Id.

The assessors shall be at liberty, if they shall find that any servant or servants is or are omitted in such lists, to surcharge the same.

The assessors shall deliver their assessments to the commissioners within three months after their appointment, which commissioners are to sign the same, and appoint collectors, &c. who are hereby enjoined and required to collect and pay the duties so assessed, and to give acquittances for the same. Id.

Surveyors under the before mentioned acts may inspect the lists before they are signed, and amend them; and if they discover any omissions after the lists are signed, they are to certify the same to the commissioners. Id.

Where any person liable to deliver such lists or declaration as aforesaid to the assessors, shall refuse or neglect, within the time herein-before prescribed, to deliver, or cause to be delivered, any such list or lists, or declaration, to such assessor or assessors, he or she so refusing or neglecting, shall, for every such offence, forfeit the sum of 10l. Id.

And where any assessor or surveyor shall make a surcharge upon any person, such surcharge shall be made after the rate of double the duty of the servant so omitted; and the assessor or surveyor so making such surcharge, shall have and receive Id.

for his own use, one moiety of the sum charged by every surcharge which shall be justly made upon any such list or declaration.

25 G. 3. c. 43.

Inhabitant householders are to deliver lists of lodgers who keep servants, containing the names of the parties, on penalty of 10*l*.

Id.

Persons over-rated may appeal to the commissioners; and the said commissioners, or any two or more of them, shall hear and determine all such appeals, except where it shall appear to the said commissioners that the person appealing shall have omitted to deliver in his or her list or lists, or declaration, in manner aforesaid, and shall not assign sufficient cause for such omission. At the time of hearing the same appeal, a list or lists shall be produced, by or on the part of the appellant, upon his or her oath, of the greatest number of servants, liable to the aforesaid duties, of such appellant, within the district or limits of the place where such appeal shall be made, which shall have been so kept by him or her within the year preceding the fifth day of April in every year, with such description and explanation, and also such list or declaration as to other districts, as is herein-before required; and all such appeals shall be heard and determined, on the days appointed, and in the manner directed by the several acts herein-before mentioned with respect to the duties on houses, and windows or lights.

Id.

Commissioners are not to make any abatement in the charge, &c. unless it shall appear, on oath, that the appellant is over-rated.

Id.

Every person intending to appeal shall give at the least ten days notice thereof to the surveyor, or assessors, of such intention to appeal; and such surveyor, inspector, and assessor, and appellant, shall have full liberty to be present during all the time of hearing such appeals, and the determination of the said commissioners on the same.—The said commissioners, upon every such appeal, although they shall confirm the surcharge of such assessors, or surveyor or inspector, may remit and strike off the penalty herein-before directed to be paid to such assessor, &c. surcharging such list, if any doubt shall arise, whether the servant so surcharged was rateable within the meaning of this act.

Id.

If such surcharge was falsely and vexatiously made, then, such surveyor, &c. so surcharging, shall forfeit and incur such penalties and punishment, as in and by the said acts relative to the duties on houses, and windows or lights, are directed to be inflicted on surveyors, or inspectors or assessors, for neglect of duty.

Id.

All appeals, once heard and determined by the said commissioners of this act, or any two or more of them, or the major part of them then present, on the day or days by them appointed

pointed for hearing appeals, shall be final, except that persons dissatisfied may, in England, appeal to the court of king's bench; and in Scotland, to the court of session.

Notwithstanding any such case so transmitted to any of the said justices, judges, or barons, the determination of the said commissioners shall stand, with respect to the payments which shall become due, precedent to the opinion certified by any such justice, judge, or baron, upon such case. 25 G. 3. c. 43.

The monies arising from this act shall be paid into the exchequer, and entered separate from all others.

Fifty-one thousand pounds, part of the duties arising by this act, shall be carried to the fund, commonly called the sinking fund; and the remainder of the duties shall be a fund for the payment of the annuities, payable pursuant to an act of this present session of parliament, intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures.*

Every penalty above twenty pounds, shall be recovered, in England, in any of his Majesty's courts of record at Westminster; or in the court of session, in Scotland, if the matter shall arise in that part of the united kingdom, by action of debt, bill, plaint, or information; one moiety of every penalty shall belong to his Majesty, his heirs or successors, and the other moiety thereof to the person or persons who shall inform and sue for the same.

Where the penalty doth not exceed the sum of twenty pounds, it shall be recoverable before two or more justices of the peace of the county, city, liberty, town, or place, wherein the offence shall be committed, on proof, either by confession of the party or parties accused, or by the oath of one or more credible witness or witnesses; one moiety to his majesty, his heirs and successors, and the other moiety to the informer or informers prosecuting for the same; and in case of non-payment shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such justices; and the overplus of the money raised, after deducting the penalty, and the expences of the distress and sale, shall be rendered to the owner; and, for want of sufficient distress, the offender shall be sent by such justices to the prison of such county, division, city, liberty, town, or place, for such time, not exceeding six months, nor less than one month, as such justices shall think most proper.

All constables and headboroughs, and other his majesty's officers, are hereby required and enjoined to be respectively aiding and assisting in the execution of this act, and to obey and execute such precepts or warrants as shall be to them directed by the respective commissioners hereby appointed, or any three or more of them.

All

25 G. 3. c. 43.

All actions, suits, or informations, for any offence against this act, shall be brought within one year after the offence committed, and being brought after the time so limited, shall be void; and if any person or persons shall at any time or times be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any clause, matter or thing, herein contained, such person or persons may plead the general issue, and give the special matter in evidence, for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

N. B. It may not be improper in this place to take notice, that where persons partially employing a gardener, not living in the family, to take care of their garden, in common with other gardens, or employing the same person by the year, or otherwise, to take care of the garden, and to do other services in husbandry, &c. have thought themselves aggrieved, by being charged with the duties on servants, and the matter has been referred to the judges; the determination has been given in favour of the assessor; altho' in some cases six different persons are assessed for employing the same gardener, whether by the year, month or week: but under-labourers by the week are not included.

25 G. 3. c. 70.

Every person, who shall have living in their houses two or more lawful children or grand children, under the age of fourteen years, shall, in respect of every two such lawful children or grand children, be exempted from the payment of the duties by the said act imposed for one female servant; if any person, having two such lawful children or grand children, shall have one female servant, and not more, he or she shall be wholly exempted from the duty thereby imposed; if any person, having two such lawful children or grand children, shall have two female servants, and not more, he or she shall pay for one female servant, at the same rate as if he or she retained only one female servant, and no more; and so in proportion for any greater number, abating one female servant, and lowering the rate of duty in the manner in the former act provided, for every two such children or grand children.

Sessions.

Dalt. c. 185.

THE sessions of the peace is a court of record, holden before two or more justices, whereof one is of the quorum, for execution of the authority given them by the commission of the peace, and certain statutes and acts of parliament.

Such

Such sessions only are properly called general quarter sessions, which are holden in the four quarters of the year, in pursuance of the 2 H. 5. any other sessions holden at any other time for the general execution of the justices' authority, may be properly called general sessions, and those holden on a special occasion for the execution of some particular branch of their authority, may properly be called special sessions. 2 Haw. 42.

The justices shall keep their sessions in every quarter of the year at least, and for three days, if need be; to wit, in the first week after the feast of St. Michael, in the first week after the Epiphany, in the first week after Easter, and in the first week after St. Thomas, and more often if need be. 12 R. 2. c. 10.

Except in Middlesex; where the justices shall keep their sessions twice in the year at least, and more often (if need be) for any riot or forcible entry within the said county. 14 H. 6. c. 4.

N. B. How many adjournments soever shall be holden afterwards in that quarter of the year, all shall refer to the first commencement of the sessions. Burn, vol. iv. p. 181.

Any two justices, one whereof is of the quorum, by the words of the commission of the peace, may issue their precept to the sheriff to summon a session, for the general execution of their authority; and such session, holden at any time within that quarter of a year, is a general quarter session. Id.

Any two such justices may direct their precept under their teste to the sheriff, for the summons of the sessions, thereby commanding him to return a grand jury before them, or their fellow justices at a certain day and place, and to give notice to all stewards, constables, and bailiffs of liberties, to be present and do their duties at such day and place, and to proclaim in proper places throughout his bailiwick, that such sessions will be holden at such day and place, and to attend there himself to do his duty. 2 Haw. 41.

And such precept should bear teste, or be dated, fifteen days before the return. Nelf. Introduc. 35.

The sheriff also shall cause a jury to appear at such days and places, as the said justices, or such two or more of them as aforesaid shall appoint. Lamb. 382.

1. The justices of the peace are compellable to appear at the sessions; for without their appearance the sessions cannot be holden. Dalt. c. 185.

But a justice ought not to join in an order at sessions wherein himself is concerned, nor ought his name to be in the caption. —An order was quashed for that reason. 2 Salk. 607.

2. The custos rotulorum ought to be there himself, or by his deputy, who is the clerk of the peace.—3. The sheriff also, by himself or his deputy; to receive the fines, to return jurors, to execute process, and what else to his office doth appertain.—4. All coroners.—5. The high constables, and all other Dalt. c. 185.

other officers to whom any warrant hath been directed, in order to make return thereof.—6. All bailiffs of hundreds and liberties, as they are bound to give an account of all sessions-procefs.—7. The gaoler, to bring thither his prisoners, and to receive such as may be committed.—8. The keeper of the house of correction, to give in a calendar and account of persons in his custody.—9. All persons returned by the sheriff, by virtue of the aforesaid precept.—And the jurors not appearing according to their summons, are punishable by loss of issues, which usually make part of the estreats of sessions.—10. All persons returned by recognizance to answer, or to prosecute and give evidence.

Dalt. c. 185.

All persons may freely attend at the sessions for the advancement of public justice, and for the service of the king.—And they are invited thither by a certain freedom of access, and by protection from common arrest.

22 G. 2. c. 46.

No person shall act as solicitor, attorney, or agent, or sue out any procefs at any general or quarter-sessions, either with respect to matters of a criminal or civil nature, unless he is admitted and inrolled according to law; on pain of 50*l.* to him who shall sue in 12 months, with treble costs.

L. Raym. 426.

Where authority is given to two justices to do any act, the sessions may do it in all cases, except where appeal is directed to the sessions.

1 H. H. 579.

Justices may issue their warrants for apprehending persons charged of crimes within the cognizance of the sessions, and bind them over to appear there, although the offender be not yet indicted.

Dalt. c. 191.

If jurisdiction be given to the sessions, to hear and determine, and doth not say by information, this shall be by indictment, and not upon information.

2 Salk. 606.

The sessions is all as one day, and the justices may alter their judgments, at any time whilst it continues.

2 Haw. 41, 42.

It seemeth certain, that the sessions hath no authority to amerce any justice, for his non-attendance at the sessions, as the judges of assize may for the absence of any such justice at the gaol delivery: *Inter pares non est potestas.*

21 J. c. 4.

2 H. H. 52.

The sessions may proceed to outlawry in cases of indictments found before them: but they cannot issue a *capias utlagatum*, but must return the record of the outlawry into the king's bench, and thence procefs of *capias utlagatum* shall issue.

Seff. C. V. 2.
176.

The sessions cannot award an attachment for contempt in not complying with their orders; but the ordinary and proper method is by indictment.

2 Barnardist.
249, 250.

The justices are not punishable for what they do in sessions: unless there be some manifest act of oppression, or wilful abuse of power.

The justices being met, the usual course is with three o-yes *Dalt. c. 185.* to proclaim the sessions, and then read the commission of the peace: then the grand jury are called and sworn, and the charge given to them.

If there be any who are to take their oaths, in order to qualify them for offices, this must be done between the hours of nine and twelve in the forenoon, and not otherwise. *25 C. 2. c. 2.*

The king's proclamation against profaneness and immorality is also to be read; and likewise divers acts of parliament; against popery, the riot act, the black act, the act about ale measures, and about burying in woollen, are required to be given in charge at the sessions; the acts concerning jurors are to be read in Midsummer sessions yearly; and the statute against bribery and corruption in elections of members of parliament is to be read at every Easter sessions. *5 El. c. 1. 1 G. c. 5. 9 G. c. 22. 11 & 12 W. c. 15. 30 C. 2. c. 3. 4 & 5 W. c. 24. 7 & 8 W. c. 32. 3 & 4 An. c. 18. 3 G. 2. c. 25. 2 G. 2. c. 24. Dalt. c. 185.*

Then the recognizances may be called, especially such as are to prosecute and give evidence, that so bills may be drawn and prepared.

Upon appeals to be made to the sessions against judgments or orders, the justices shall cause any defect of form in such original judgments or orders, to be rectified and amended, and then shall proceed upon the merits. *5 G. 2. c. 19.*

In case of trespass and assault, the court frequently recommends to the defendant to talk with the prosecutor, that is; to make amends for the injury done him; and if the prosecutor comes and acknowledges a satisfaction received, the court will only set a small fine on the defendant. *Cro. Cir. 52.*

Sometimes the prosecutor and defendant agree, before the defendant pleads to the indictment; and then the defendant comes into court in his proper person, and pleads guilty to the indictment; and upon proving, by a subscribing witness, a general release executed by the prosecutor, the defendant submits to a small fine, such as the court is pleased to impose. *Id.*

Sewers.

FOR one year after the expiration of a commission of sewers, the justices of the peace, or six of them, (2 *Q.*) may execute the powers of the said commission, unless a new commission shall be issued in the mean time. *13 El. c. 9.*

For the power and authority of these commissioners, see *23 H. 8. c. 5. 25 H. 8. c. 10. 3 & 4 Ed. 6. c. 8. 7. An. c. 10.*—Besides which general acts, there are others which concern the cities of London and Westminster only, and other places within the bills of mortality.

Sheep.

22 & 23 C. 2.
c. 7.

IF any person shall in the night-time maliciously and wilfully kill any sheep, he shall be guilty of felony; but to avoid judgment of death, he may make his election to be transported for seven years.—And three justices (1 *Q.*) may hear and determine the same.

Id.

If any person shall in the night-time maliciously maim, wound, or otherwise hurt any sheep, whereby the same is not killed, he shall forfeit to the party grieved treble damages, by action of trespass or on the case.

14 G. 2. c. 6.

If any person shall drive away, or steal any sheep or lamb; or shall wilfully kill any sheep or lamb, with a felonious intent to steal the carcase or any part thereof; or shall assist in committing any the said offences; he shall be guilty of felony without benefit of clergy.

Id.

And every person, who shall apprehend and prosecute to conviction any such offender, shall have a reward of 10*l.*; in order to which, he shall have a certificate signed by the judge, before the end of the assizes, certifying such conviction, and where the offence was committed, and that the offender was apprehended and prosecuted by the person claiming the reward; and if more than one claim the reward, he shall therein appoint what share shall be paid to each claimant: which certificate being tendered to the sheriff, he shall pay the same within a month, without deduction, on pain of forfeiting double, with treble costs.

Sheriff.

3 *Salk.* 322.

THE sheriff hath a jurisdiction both in criminal and civil cases; and for this purpose he hath two courts, his torn for criminal causes, which is therefore the king's court; the other is his county court for civil causes, and this is the court of the sheriff himself.

2 *Haw.* 86.

The sheriff having a justice of the peace's warrant directed to him, shall execute the same; he need not go in person to execute it, but may authorize another to do it.

2 *Haw.* 41.

On summons, he is bound to attend the sessions of the peace, there to return his precepts, to take the charge of the prisoners, to receive fines for the king, and the like.

2 *Haw.* 142.

It seems clear, that the sheriff is punishable by the justices in sessions, for defaults in executing their writs and precepts.

1 *Mar. sess.* 2.

No sheriff shall exercise the office of a justice of the peace, in any county wherein he is sheriff, and in such case, his acts as a justice shall be void.

If

If the gaoler suffer a felon voluntarily to escape, this, inas-
much as it reacheth to life, is felony only in the gaoler, but
the sheriff may be indicted, fined, and imprisoned. 1 H. H. 597.

Shire-Hall.

THE justices in sessions, on presentment of the grand-jury 9 G. 3. c. 20.
at the assizes, of the ill state and condition of the shire-
hall, or other building commonly used for holding the assizes,
and the necessity of repairing the same, may order it to be re-
paired in such manner as they shall think fit, and the money
to be levied as for other county rates.

If there be occasion for sudden repairs, (which will not cost *Id.*
more than 30l.) two justices, after having viewed the same,
an estimate having been made by able workmen of the ex-
pence thereof, may order it to be repaired, and the money to
be levied as aforesaid, in like manner as if it had been pre-
sented by a grand jury.

But where the same hath for time out of mind been repaired *Id.*
at the expence of any particular places or persons; or any par-
ticular places or persons are bound by law and ancient usage to
furnish the same with benches, tables, rails, or other fixtures,
they shall continue liable as before.

The justices in their quarter-sessions may direct the shire-
hall or other court of justice, within their jurisdiction, to be
properly ventilated: the expences thereof to be paid out of
the general county-rate. 14 G. 3. c. 59.

Shop-Tax.

BY this act, from July 5, 1785, the following duties shall 25 G. 3. c. 30.
be paid for all shops throughout Great-Britain; viz.

From the yearly rent of 5l. to 10l.—6d. in the pound: 10l.
to 15l.—1s. in the pound: 15l. to 20l.—1s. 6d. in the
pound: 20l. to 25l.—1s. 9d. in the pound: 25l. and up-
wards, 2s. in the pound.

The above duties to be paid in addition to those granted by
6 Geo. 3. c. 38; 19 G. 3. c. 59; and 24 G. 3. c. 38.

The duties shall be paid quarterly, by the occupiers, and
not by the landlords who shall have let the houses, &c. ex-
cept where houses are divided into different apartments.

Houses with shops, are to be assessed under this act accord-
ing to the assessment for the house-duty by 19 G. 3.—But any
building or place, subject to this tax as a shop, shall be assessed

25 G. 3. c. 30. to the duties under this act, according to its full yearly rent or value.

Warehouses, in separate buildings, are not chargeable; nor bakers' shops where bread, flour, meal, bran, and rubbles only are made or sold.

The duties are to be assessed and collected, &c. according to the methods prescribed by 20 G. 2, c. 3; c. 42; 21 G. 2, c. 10; 26 G. 2, c. 17; 31 G. 2, c. 22; 2 G. 3, c. 8; and the acts of 6, 19, and 24 G. 3.

In consideration of the extraordinary care and pains requisite in making and adjusting the first assessment, the assessor or assessors shall have an allowance for such first assessment of three-pence on each house, from the respective receivers-general, their deputy or deputies, who shall be allowed the same in passing their accounts.

The commissioners authorized or appointed, or who shall be authorized or appointed hereafter for putting in execution the acts, concerning the duties on houses, and windows or lights, or any of them, shall be commissioners for putting in execution this present act; and the said commissioners shall meet for the first time on or before the fifth day of July, one thousand seven hundred and eighty five, and shall in like manner meet yearly and every year, at such days or times as the said commissioners for the time being shall think proper to appoint, before the thirtieth day of April yearly, and shall then divide themselves to act in separate districts.

If, by any neglect or default, there shall not have been a meeting of the said commissioners, within the time or times directed by this act, it shall and may be lawful for the said commissioners, or any two or more of them, to meet and execute the said powers at any other time or times; and they are hereby authorized and required, as soon as may be after the time or times at which such meetings shall have been held, to meet and execute the same.

Provided, that no person presume to act as a commissioner in the execution of this act (except in administering the oath of qualification) until he shall have taken the several oaths required to qualify him for acting as a commissioner of the several duties charged on houses, and windows or lights, and also shall have taken the following oath; (that is to say),

I A. B. do swear, that I will truly and faithfully execute the office of a commissioner, according to an act, made in the twenty fifth year of King George the Third, for granting to his majesty certain duties on shops within Great Britain; and will determine upon all appeals, which shall be brought before me under the said act, according to the best of my skill and knowledge.

So help me God.

Which

Which oath any two or more of the commissioners are hereby authorized to administer.—The penalty on acting before taking the oath is 100l. 25 G. 3. c. 30.

The commissioners shall cause notice to be given to the inhabitants of the parishes or places within their respective districts or divisions, whom they shall think fit to be presentors or assessors, under the acts charging duties on houses, &c. that such persons are also appointed assessors of the duties upon houses, buildings, and places, within this act.

If there shall be a neglect in appointing assessors for the said duties on houses, and windows or lights, or if the assessors appointed shall neglect to perform what is required of them by this act, then the surveyor, or the inspector appointed by the acts, relative to the duties on houses and windows, &c. shall do or perform such and the like services as by this act is required from such assessors; and shall be intitled to the same reward as is hereby provided for the assessors for the said first assessment under this act.

The assessor's oath to be administered by two or more of the commissioners, is as follows:

I A. B. do swear, (or affirm, if a quaker), that in the assessment which, by authority of an act made in the twenty-fifth year of the reign of king George the third, for granting to his majesty certain duties on shops within Great-Britain, I shall make upon the houses, buildings, and places, liable to any of the said duties, within the district or parish for which I am appointed an assessor, I will rate each at the true annual value, according to the best of my judgement and skill; and that I will truly and faithfully execute the trusts reposed in me by virtue of the said act.

So help me God.

The penalty on the assessor's acting before taking the said oath, is 20l.

The assessors shall certify the number of buildings and places respectively charged by virtue of this act, which are not already charged to the duty on inhabited houses; and shall, on or before the twenty-fourth day of June, in every year, deliver the certificates or assessments, to be made by them respectively as aforesaid, unto the said commissioners, or any two or more of them.

The said commissioners shall, within the space of one calendar month next after the receipt of the same, or as soon after as conveniently may be, set their hands to the said respective assessments, and to such surcharge or surcharges as shall or may have been made in the mean time, either by the same assessors, or by the surveyor or surveyors, or inspector or inspectors, testifying their allowance of the same; they shall likewise nominate and appoint two of the persons named in each of such assessments to be collectors, or any other two such persons as they shall

25 G. 3. c. 30.

shall think able and responsible, who are hereby enjoined and required to collect and pay the duties hereby assessed, and to give acquittances for the same; for whose payment of such money as they shall be charged with under this act, the parish or place for which they are so employed shall be answerable.

In all places, being extra-parochial, the said commissioners, or any three of them, shall nominate and appoint two fit persons, living in or near the said places, to be assessors; and also shall appoint two or more collectors, who are hereby required to collect and pay the same.

Commissioners are to peruse the annual assessments, and may summon before them persons suspected to be under-rated; and may enlarge, alter, abate, or diminish, the assessments when found to be erroneous, and after perusal thereof, shall set their hands to such assessments, to testify their allowance thereof.

The surveyors and inspectors are empowered to examine the assessments before they are signed by the commissioners; and if any omissions are discovered, they shall be supplied by a surcharge.

Any two commissioners, assessors, surveyors, &c. shall be permitted to inspect parish rates, and take extracts from them; and if any person or persons, in whose custody or power any of the said books shall be, shall refuse or neglect to permit the said inspection, or the copies or extracts to be made, every person so refusing, shall forfeit and pay the sum of forty shillings.

Occupiers are not to be charged to the poor's rates, or highways, for the duties imposed by this act; nor shall the payment of rates, granted by this act, affect the settlement of persons so paying them.

Persons over-charged may appeal to the commissioners, who are hereby required to hear and determine all such appeals, on the days appointed, and in the manner directed, in the several acts herein-before mentioned with respect to the rates and duties on houses, and windows or lights, thereby granted.

The commissioners, or any of them, are hereby authorized and empowered, upon every appeal, to abate or diminish any such assessment as they shall think proper; and every person intending to appeal to the said commissioners, shall give, at the least, ten days notice thereof to any assessor, &c. of such intention to appeal; and such assessor, &c. and appellant, shall have full and free liberty to be present during all the time of hearing such appeals, and whilst the said commissioners shall be determining the same.

All appeals, once heard and determined by the said commissioners, or any three or more of them, or the major part of them then present on the day or days by them appointed for hearing of appeals, shall be final, except that if any such assessor, &c. or the persons so appealing, shall apprehend the determination

determination made by the said commissioners to be contrary to the true intent and meaning of this act, and shall then declare himself or herself dissatisfied with such determination, a further appeal is allowed in England or Wales, to one justice of the king's bench, &c. and in Scotland, to a judge of the court of session, or a baron of the exchequer. 25 G. 3. c. 30.

Every penalty or forfeiture, of a greater sum than twenty pounds, shall be recovered in the courts of record at Westminster; or in the court of session, in Scotland; and one moiety shall belong to his majesty, the other moiety to the person or persons who shall inform and sue for the same.

Penalties not exceeding 20l. are recoverable before two justices, either by the voluntary confession of the party accused, or by the oath of one or more credible witness or witnesses; and one moiety shall belong to his majesty, and the other moiety to the informer or informers prosecuting for the same; and in default of payment, may be levied by distress; and for want of sufficient distress, the offender shall be sent by such justices to the county prison, &c. for any time, not exceeding six months, nor less than one month, as such justices shall think most proper.

Persons aggrieved may appeal to the quarter-sessions.

Persons summoned as witnesses who shall neglect to attend without a reasonable excuse, shall forfeit for every such offence the sum of 40s.

The justices may mitigate penalties to one half, over and above all costs and charges.

Constables, and other officers, are hereby required to be aiding in the execution of this act.

All actions, for any offence against this act, shall be brought within one year after the offence committed; and if any person or persons shall at any time or times be sued, molested, or prosecuted, such person or persons shall and may plead the general issue; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue an action, or shall become nonsuited, then such defendant or defendants shall have treble costs.

Silks.

NO person shall exercise the trade of a silk thrower, unless he hath served seven years apprenticeship; on pain of 40s. a month, half to the king, and half to him that shall sue in any court of record, or at the assizes, or quarter-sessions of the peace. 13 & 14 C. 2. c. 15.

No foreign silks, called alamodes or lutestrings, shall be imported, but in the port of London, on notice first given 9 & 10 W. c. 43.

to the commissioners of the customs, and licence had from them.

9th 10 W. c. 43.

And if they be imported elsewhere, or without such notice and licence, and the duties paid, they shall be forfeited, or the value thereof, and be sold and exported again; and the offender, and also the receiver and person offering to sell the same, shall forfeit 500l.—And the commissioners shall cause them to be marked and sealed: and if any person shall counterfeit the custom-house seal, or seal of the lutestring company, he shall forfeit 500l. and be set in the pillory two hours.—Any person, who shall buy and sell, or have in his custody any alamodes or lutestrings, sealed or marked with a counterfeit seal or mark, shall forfeit the same and 100l.

Id.

Any person authorized by a writ of assistance under the seal of the exchequer, or with a constable or other public officer, inhabiting near the place, with a warrant from a justice of the peace, and in the day-time, may enter any house, shop, or other place, to search for and seize any alamodes or lutestrings imported contrary to this act, or not sealed or marked, or marked with a counterfeit mark or seal, and in case of resistance may break open doors, chests, trunks, and other package; and every justice shall grant such warrant to any credible person, making oath that he hath reason to suspect or believe, that there are some of the said silks so fraudulently imported or not sealed and marked, or sealed or marked with a counterfeit seal or mark in the place or places where he intends to search.

Id.

The said penalties shall be two-thirds to the king, and one third to him that shall seize or sue in any court of record.

3 G. 3. c. 21. &
3 G. 3. c. 48.

If any person shall import any ribbands, laces, or girdles, not made in Great-Britain, the same shall be forfeited, and may be seized by any officer of the customs; and the importer, vender, and retailer, in whose custody they shall be found, shall forfeit respectively 200l. with costs.—Half the said penalties to be to the king, and half to the officer who shall inform and prosecute.

Id.

When the goods seized (being out of the limits of the bills of mortality) shall not exceed the value of 20l. two justices, on information before them that such goods were seized as unduly imported, may hear and determine the same, and proceed to condemnation or discharge.

Id.

And after seizure, until condemnation or discharge, the said goods shall be deposited in one of the king's warehouses, if the seizure be within the bills of mortality; elsewhere, in the hands of the chief magistrate or constable: and the same shall be free to inspection, with leave of the court, judge, or justices, before whom the prosecution shall be.

Id.

And after condemnation, the said goods shall be publicly sold by the candle for exportation; half of the produce by such sale

sale to be to the king, and half to the officer who shall seize and secure the same.

And on information in writing upon oath, before two justices, that there is good reason to suspect, that such ribbands, laces, or girdles have been imported, and are in the possession of any retailer or seller of ribbands, &c. they may issue their warrant to the constable or other peace officer, empowering him to search, in the day time, the houses, outhouses, and other places of such persons, and (if the same shall be found) to seize and carry away the same, and dispose thereof as is aforesaid. 3 G. 3. c. 21. §
5 G. 3. c. 48.

If any person in whose possession such goods shall be seized, shall discover upon oath before one justice the person who sold the same to him, so as he may be convicted as the seller thereof; such person shall be discharged of all penalties and forfeitures inflicted by this act on venders or retailers having such goods in their possession. 14.

If any foreign manufactured silk stockings, silk mitts, or silk gloves, shall be imported into this kingdom, or any part of the British dominions; the same shall be forfeited, and liable to be searched for and seized as other uncustomed goods: and every person who shall import the same, or be assisting therein, and the venders and retailers in whose custody they shall be found, or who shall sell or expose the same to sale, or conceal them with intent to prevent the forfeiture, shall, over and above the forfeiture of the goods, forfeit 200l. with costs; half to the king, and half to the officer who shall inform and prosecute. 14.

And when the goods seized (being out of the limits of the bills of mortality) shall not exceed the value of 20l. two justices may proceed to the condemnation thereof: And the proceedings in all other respects, shall be in like manner as in the case of ribbands and laces above-mentioned.

Slander.

WORDS which directly tend to a breach of the peace, as if one man challenge another, are cognizable before justices of the peace, for which the party may be bound to the good behaviour, and even indicted. 2 Salk. 698.
1 Keb. 931.

But if they do not tend directly to a breach of the king's peace, but are matters only of private slander between party and party, which no way affect the publick administration of justice; justices of the peace have not any jurisdiction at all in such matters. 14.

Slaughtering Horses.

26 G. 3. c. 71.

FROM July 20, 1786, every person keeping a slaughtering house, shall take out a licence for that purpose, at the general quarter sessions for the county, &c. wherein such slaughtering house shall be situate; upon a certificate, under the hands and seals of the minister and churchwardens, or overseers, or of the minister and two or more substantial householders of the parish wherein the persons applying for such licence shall dwell, that such persons are fit and proper to be trusted with the management and carrying on such business.

Id.

Every such licence shall be signed by the justices of the peace assembled at such general quarter sessions, or by the major part of them; and a copy of every such licence shall be entered in a book to be kept for that purpose by the clerk of the peace; and all persons shall have liberty, at all times (Sundays excepted), between the hours of ten and twelve in the forenoon, to search the office of such clerk of the peace, and to make an extract or extracts from the same, paying for every such search the sum of sixpence.

Id.

Persons licensed shall affix to their houses the words *Licensed for slaughtering horses, pursuant to an act passed in the twenty-sixth year of his Majesty King George the third.*

Id.

Every occupier of such licensed slaughtering house, shall, six hours previous to the killing of any horse, mare, &c. or other cattle, which shall not be killed for the purpose of butcher's meat, and previous to the slaying any such cattle, brought dead to such slaughtering house, give notice in writing to a person to be appointed as inspector, to the intent that such inspector may, before such horse, or other cattle, shall be killed, or slayed, take an exact account and description of the height, age, colour, and particular marks of such cattle, brought alive or dead for the purposes aforesaid; and no such cattle shall be killed, or slayed, but between the hours of eight of the clock in the morning and four of the clock in the evening, during the months of October, November, December, January, February, and March; and between the hours of six of the clock in the morning and eight of the clock in the evening, during the months of April, May, June, July, August, and September, in every year.

Id.

Every person so licensed, shall, at the time any horse, mare, &c. or any other cattle, shall be brought for the purpose of slaughtering, or slaying, make an entry in a book, to be kept for that purpose, in a fair legible hand, of the name, and place of abode, and profession, of the owner thereof, and also of the person who shall bring the same to be slaughtered, or slayed, and the reason or reasons why the same is brought to be killed,

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killed, or flayed; which book shall at all times be open for the perusal and examination of the inspector to be appointed under this act; and every such licensed person shall attend with such book before one justice of the peace for the county, &c. where such licensed slaughtering house shall be situate, when required by warrant, under the hand and seal of such justice of the peace so to do, and shall likewise produce the same at every general quarter sessions of the peace which shall be held in and for the said county.

The parishioners assembled in vestry shall appoint inspectors, who shall in person, or by his or their servant or servants, attend at the slaughtering house, and there take such account and description as herein-before directed; and shall keep a book, and make an entry of every such account and description; and shall, for every entry, receive of every person carrying on such business, sixpence. 26 G. 3. c. 71.

The inspector's book may be searched from eight A. M. to five P. M. in the winter months, and from six A. M. to eight P. M. in the summer, on paying sixpence.

Every inspector shall cause to be painted, over the door of his house, his name, and the words, *Inspector of houses and places for slaughtering horses*.—If such inspector shall have reason to believe that any horse, mare, &c. or other cattle, is or are free from disease, and in a sound and serviceable state, or that the same has been stolen, or unlawfully come by, he shall have power to prohibit the slaughtering or killing of such cattle, for any time not exceeding the space of eight days; and in the mean time shall cause an advertisement to be inserted in the Daily Advertiser, or some public newspaper circulated in the county where such slaughtering house shall be situated, twice or oftener, unless the owner of such cattle shall sooner claim the same, or satisfactorily inform the said inspector that he sent or delivered, or caused the said horse, or other cattle, to be delivered for the purpose of being slaughtered or killed, the expence of inserting such advertisement to be paid by the occupier of such slaughtering house to such inspector: and in case such occupier of such slaughtering house shall refuse to defray or pay the same, and shall be thereof convicted on the oath of any such inspector as aforesaid, before any one justice of the peace for the county or district wherein such slaughtering house or place shall be situated, he, she, or they, shall forfeit double the amount of the charge of such advertisement or advertisements, to be raised by distress and sale of the goods and chattels of such offender or offenders, by warrant under the hand and seal of any such justice as aforesaid; and the form of such conviction shall be as follows:

A. B. is convicted on the oath of C. D. inspector of houses and places for slaughtering horses, for the parish of E. in the county of F. of refusing to pay the sum of

B b b 2

being the expence

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expence of an advertisement, or advertisements (as the case may be) inserted in the Daily Advertiser, or some other public newspaper circulated in the county, (as the case may be) pursuant to the directions of the statute in that case made and provided.

Given under my hand and seal, this day
of G. H.

36 G. 3. c. 77.

Every inspector so appointed, may, at all times, in the day or night, but if in the night, then in the presence of a constable, go to, enter into, and inspect, any house or place kept for slaughtering or killing horses by any person or persons licensed as aforesaid; and also any stable, or other building, to see if any horse, mare, &c. or other cattle, have been brought there, and to take an account thereof; and every person, so licensed, shall permit any such inspector, to enter into and inspect such house or place, and to take such account as is herein-before directed.

Id.

If any person or persons who shall offer to sale, or shall bring any horse, mare, &c. or other cattle, to any person or persons keeping such slaughtering house, to be killed, or being dead, to be flayed, shall not be able, or shall refuse to give a satisfactory account of the means by which the same came into his, or their possession; the person or persons keeping such slaughtering house, and also the said inspector or inspectors, may seize and detain such person or persons; and also every such horse, mare, &c. or other cattle, and deliver such person or persons, into the custody of a constable or other peace officer, to be conveyed before a justice of the peace, where the offence shall be committed; and if such justice shall, upon examination, have cause to suspect that such horse, mare, &c. or other cattle, is or hath been stolen or unlawfully obtained, such justice may commit such person or persons into safe custody, for any time not exceeding the space of six days, in order to be further examined; and if, upon either of the said examinations, such justice shall be satisfied, that such horse, mare, &c. or other cattle, is or are stolen, or illegally obtained, the said justice is hereby authorized and required to commit the person or persons so bringing or offering the same to sale, to the common gaol or house of correction of the county, &c. wherein the offence shall be committed, there to be dealt with according to law.

If any person or persons shall, at any time from and after the twentieth day of July, 1786, slaughter any horse, mare, or gelding, &c. or other cattle, for any other purpose than for butcher's meat, or shall flay any such cattle, brought dead to such slaughtering house, without such licence, or without giving such notice as aforesaid, or shall kill, or flay the same, at any time other than within the hours herein-before limited, or shall not delay killing the same, according to the direction

of

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and delivered to the justices of the peace at such general quarter sessions.

26 G. 3. c. 71.

If any person or persons shall occasionally lend any house, barn, stable, or other place, for the purpose of slaughtering or killing any horse, mare, &c. or other cattle, which shall not be killed for butcher's meat, without taking out such licence, as aforesaid, and shall be thereof convicted before any justice of the peace for the county, &c. wherein such person or persons shall reside, upon the oath of two credible witnesses, he, she, or they shall forfeit, upon conviction, for every such offence, any sum not exceeding twenty pounds, nor less than ten pounds; one moiety thereof to the informer, and the other moiety to the poor of the parish where the offence shall be committed; and in case such penalty shall not be forthwith paid, such justice shall commit the offender to the common gaol or house of correction, for any time not exceeding three calendar months, nor less than one month, unless the said penalty shall be sooner paid; the form of such conviction shall be as follows, or to the like effect:

*Be it remembered, that on this day of A. B.
To wit. } was convicted, upon the oaths of two credible witnesses,
before me C. D. one of his majesty's justices of the peace for the
county of , for occasionally lending a house, [or place,
as the case may be], for the purpose of slaughtering horses, [or,
as the case may be, of slaughtering cattle for other purposes than
for butcher's meat], without a licence for that purpose first ob-
tained, according to the statute in that case made and provided.*

*Given under my hand and seal, the day and year
above written.*

This act shall not extend to any currier, felt-maker, tanner, or dealer in hides, who shall kill any distempered or aged horse, mare, gelding, &c. or other cattle, or purchase any dead horse, mare, gelding, &c. or other cattle, for the bona fide purpose of selling, using, or curing the hide or hides thereof, in the course of their respective trades; nor to any farrier employed to kill aged and distempered cattle, nor to any person or persons who shall kill any horse, mare, gelding, &c. or other of their own or other cattle, to feed their own hounds or dogs, or to give away the flesh thereof for the like purposes.

If any collar-maker, currier, felt-maker, tanner, or dealer in hides, or farrier, or other person, shall, under colour of their respective trades or occupations, knowingly or willingly kill any sound or useful horse, gelding, mare, &c. or boil or otherwise cure the flesh thereof for the purpose of selling the same; such collar-maker, and other tradesman or person, shall be deemed and taken to be an offender within the meaning of this act, and shall, for every such offence, forfeit any sum not exceeding twenty pounds, nor less than ten pounds.

Any

Any justice of the peace before whom complaint shall be made for any offence against this act, may summon such person or persons, other than the party or parties complained against, as he shall think proper, to give evidence touching any offence committed against this act; and in case such person or persons shall wilfully refuse or neglect to attend, or give evidence touching such offence, he, she, or they shall forfeit the sum of ten pounds, or stand committed to the common gaol or house of correction, for any time not exceeding three calendar months, nor less than one calendar month, unless the said penalty shall be sooner paid. 26 G. 3. c. 71.

Any inhabitant of the parish where any offence against this act shall be committed, shall, upon any complaint or hearing before any justice or justices of the peace, or upon any trial or examination by virtue of this act, be deemed a competent witness, notwithstanding his or her contributing to any of the rates or dues to such parish; or being a poor person relieved or relievable by the said parish, and entitled as such to receive any benefit or interest from any penalty or penalties to be paid or levied in pursuance of the directions of this act.

If any person or persons shall be prosecuted for any thing done in pursuance of this act, such person or persons may plead the general issue; and if a verdict shall pass for the defendant or defendants, treble costs shall be awarded against the plaintiffs.

Smuggling.

IF any vessel shall be found at anchor within the limits of any port of this kingdom, or within four leagues of the coast, unless by distress of weather, having on board any brandy or other spirituous liquors in a cask containing less than 60 gallons, except only for the use of seamen, after the rate of two gallons for each, or having on board any wine in casks, such ship being less than sixty tons burthen, or having on board 6lb. of tea, or 20lb. of coffee, or any prohibited goods, such vessel with its cargo shall be forfeited. 24 G. 3. sess. 2. c. 47.

If any person after October 1, 1784, whether on shore, or at sea, shall maliciously shoot at any ship belonging to his Majesty's navy, or in the service of the customs or excise, within the limits of any port, or within four leagues of the coast; or shall maliciously shoot at, maim, or dangerously wound any officer of the navy, customs, or excise, in the execution of his duty, he shall suffer death as a felon. Id.

If any person be charged with an offence, made felony by this act, before one or more justices of the peace, or before one of Id.

of the justices of king's-bench, if in England, or if in Scotland, before one of the lords of justiciary, by the oath of one or more credible person or persons, such justice or judge shall certify and return such information to one of the principal secretaries of state, to be laid before his majesty in council; who may order the offender to surrender himself within 40 days to such judge, or justice, &c. who shall commit him without bail or mainprize to the county gaol: and if such offender shall not surrender himself, he shall suffer death as a felon.

24 G. 3. *sess.* 2.
c. 47.

Any person harbouring such offender, after the time appointed for the surrender, shall, if prosecuted within a year, and convicted, be guilty of felony, and transported for seven years.

Id.

Any judge or justice may apprehend such offenders by the ordinary course of law; and if they shall be taken and secured, before the time appointed for their surrender shall be expired, no further proceeding shall be had on the order of council, but they shall be brought to trial by due course of law.

Id.

Any person obstructing officers of the navy, customs, or excise, in the execution of their duty, by day or night, may be carried before a justice, who shall, if he sees cause, commit such person to the county gaol, there to remain till the next gaol delivery, and until such person shall be delivered by due course of law; and on conviction, such offender shall be sentenced to hard labour on the river Thames, or other navigable river in England, for any term not exceeding three years; or he may be ordered by such court to be committed to the common gaol or house of correction, for three years.—The justice may, if he thinks fit, proceed against persons charged with obstructing officers, if it shall appear that the offence falls within the provisions of 19 G. 3. c. 69. according to that act, and commit such offenders to the county gaol, till the next quarter-sessions of the peace.

Id.

If any persons shall, by virtue of this act, be arrested and taken before any one of his Majesty's justices of the peace, for any offence against this act, deemed a misdemeanour, such shall not be bailed, without entering into recognizance for their appearance with two sureties, themselves in 200l. and the said sureties in 100l. each.

Id.

All horses, boats, cattle, or carriages, used in removing or conveying customable goods, are liable to forfeiture, and the seizures may be examined into, adjudged, and determined by and before any two neighbouring justices of the peace.

Soldiers.

Soldiers.

Enlisting.

WHEN any person shall be enlisted, he shall in four days, 1 G. 3. c. 6. but not sooner than 24 hours, be carried before the next justice, or chief magistrate of a town corporate (not being an officer in the army) and before him shall be at liberty to declare his dissent to such enlisting; and on such declaration, and returning the enlisting money, and paying 20s. for the charges expended on him, he shall be forthwith discharged, in presence of such magistrate: if he declare that he voluntarily enlisted himself, the justice or chief magistrate shall forthwith certify under his hand, that such person is duly enlisted, setting forth the place of his birth, age, and calling (if known), and that the second and sixth sections of the articles of war against mutiny and desertion were read to him, and that he has taken the oath mentioned in the articles of war; and if any person so certified as duly enlisted, shall refuse to take the said oath of fidelity before such magistrate, the officer from whom he hath received such money, may detain and confine him till he shall take it.

Which said second and sixth sections of the articles of war are these:

S E C T. II.

Art. 1. Whatsoever officer or soldier shall presume to use traitorous or disrespectful words against our royal person, or any of our royal family, if a commissioned officer, he shall be cashiered; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted upon him by the sentence of a court-martial.

Art. 2. Any officer or soldier who shall behave himself with contempt or disrespect towards the general, or other commander in chief of our forces, or shall speak words tending to his hurt or dishonour, shall be punished according to the nature of his offence, by the judgment of a court-martial.

Art. 3. Any officer or soldier, who shall begin, excite, cause, or join in any mutiny or sedition, in the regiment, troop, or company, to which he belongs, or in any other regiment, troop, or company, of either our land or marine forces, or in any party, post, detachment, or guard, on any pretence whatsoever, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

C c c

Art.

1 G. 3. c. 6.

Art. 4. Any officer, non-commissioned officer, or soldier, who being present at any mutiny or sedition, does not use his utmost endeavour to suppress the same, or coming to the knowledge of any mutiny, or intended mutiny, does not without delay give information thereof to his commanding officer, shall be punished by a court-martial with death, or otherwise, according to the nature of the offence.

Art. 5. Any officer or soldier who shall strike his superior officer, or draw, or offer to draw, or shall lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court-martial.

S E C T. VI.

Art. 1. All officers and soldiers, who having received pay, or having been duly enlisted in our service, shall be convicted of having deserted the same, shall suffer death, or such other punishment as shall by a court-martial be inflicted.

Art. 2. Any non-commissioned officer or soldier, who shall, without leave from his commanding officer, absent himself from his troop or company, or from any detachment with which he shall be commanded, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court-martial.

Art. 3. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly.—And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, he the said officer so offending shall by a court-martial be cashiered.

Art. 4. Whatsoever officer or soldier shall be convicted of having advised or persuaded any other officer or soldier to desert our service shall suffer such punishment as shall be inflicted upon him by the sentence of a court-martial.

And the oath mentioned in the said articles of war, is as follows:

I swear

I swear to be true to our sovereign lord king George, and to serve him honestly and faithfully, in defence of his person, crown, and dignity, against all his enemies or opposers whatsoever: And to observe and obey his majesty's orders, and the orders of the generals and officers set over me by his majesty. 1 G. 3. c. 6.

But if any person shall receive the enlisting money knowing it to be such, and shall abscond, or refuse to go before such magistrate, in order to declare his assent or dissent, he shall be deemed to be enlisted, and may be proceeded against, as if he had taken the said oath before such magistrate.

Muster.

NO muster roll shall be allowed, unless signed by the mayor or other officer: but if such mayor or officer shall not attend, or refuse to sign such muster roll, without giving sufficient reason for such his refusal, then the commissary may proceed to muster, and such muster roll shall be allowed, though not signed as aforesaid, provided that oath be made before a justice in 48 hours after such muster; and the said muster roll shall be then produced, and examined by the said justice, who shall sign the same, if there appear to be no sufficient objection to it.

In Westminster and Southwark, no muster shall be made, but in presence of two justices (not being officers of the army); unless the justices, on 48 hours notice to six of them, neglect to attend.

And the commissary or muster master shall make oath (for which no fee shall be taken) before the mayor or chief magistrate attending the muster, if such mayor or chief magistrate be a justice of the peace, or otherwise before a justice in the form following; I *A. B.* do swear, that I saw at the time of making the within muster, such men or horses as are borne, and not respited, on the muster roll, for which men or horses a signed certificate or certificates are not indorsed on the back of the roll, certifying their being absent from the muster, by reason of being employed on some other duty of the regiment, or by being sick, in prison, on furlough, or at grass, or by a signed leave from the colonel or field officer, or officer commanding the regiment, troop, or company.

Which oath the said commissary shall insert and subscribe on the back of the muster roll transmitted by him into the office of the commissary general of the musters.

If any person shall be falsely mustered; or offer himself to be falsely mustered; on proof thereof by oath of two witnesses,

C c c 2

before

before the next justice, and on certificate thereof under the hand of the commissary, or chief magistrate as aforesaid, he shall be committed to the house of correction for ten days, and if any person shall wittingly furnish a horse to be mustered, he shall be forfeited to the informer, if he shall belong to the person furnishing the same; otherwise the offender shall forfeit to the informer 20*l.* on oath by two witnesses, before the next justice, by distress; and if he shall have no sufficient distress, or shall not pay in four days after conviction, he shall be committed to the common gaol for three months, or be publicly whipped, at the discretion of the justice; and the informer if a soldier, shall be discharged, if he demands it.

1 G. 3. c. 6.

For provision of carriages for the forces in their march, or for their arms, cloaths, and accoutrements, any justice of the peace, being duly required thereunto, by any order from his majesty, or the general of his forces, or the master general, or lieutenant general of his majesty's ordnance, shall on such order being brought and shewn unto him, by the quarter master, adjutant, or other officer of the regiment, troop, or company ordered to march, issue out his warrant to the constable or petty constables of the division, liberty, hundred, or precinct from, through, near, or to which such forces shall be ordered to march; requiring them to make such provision for carriages, with able men to drive the same, as is mentioned in the said warrant; allowing them sufficient time to do the same, that the neighbouring parts may not always bear the burden: and if sufficient carriages cannot be provided within any such liberty, division, or precinct; then the next justice (or justices) of the county, riding, or division, shall on such order as aforesaid so brought or shewn to him, issue his warrant to the constables or petty constables of such next county, riding, division, or precinct, for the purposes aforesaid, to make up such deficiency.

And the officer, who by virtue of the said warrant is to demand the carriages of the constable to whom it is directed, shall at the same time pay down to him in hand for the use of the persons who shall provide such carriages and men, the sum of 1*s.* for every mile any waggon with five horses shall travel; and 1*s.* for every mile any wain with six oxen, or four oxen with two horses shall travel; and 9*d.* for every mile any cart with four horses shall travel; and so in proportion for less carriages: for which the constable shall give a receipt.

And if any military officer shall force any carriage to travel more than one day's journey; or shall not discharge the same in due time for their return home; or shall suffer any soldier or seryant (except such as are sick) or any woman, to ride in such carriage; or shall force any constable, by threatnings, to provide saddle horses for themselves or servants: or shall force
horses

horses from the owners, by themselves, servants or soldiers; he shall forfeit 5l. proof thereof being made on oath before two justices, who shall certify the same to the paymaster general, or other paymaster of the forces, who shall pay the same, according to the order of the said justices under their hands and seals, who shall deduct the same out of the officer's pay.

And no waggon, wain, cart, or carriage, shall be obliged to carry above thirty hundred weight. 1 G. 3. c. 6.

And if any high or petty constable shall wilfully neglect or refuse to execute such warrants for providing carriages, or if any person appointed by such constable to furnish any carriage and man, shall refuse and neglect to provide the same; or any other person shall wilfully hinder the execution thereof; he shall forfeit not exceeding 40s. nor less than 20s. to the poor of the parish where such offence shall be committed; the same to be heard and determined by two justices dwelling in or near the place, who shall cause the penalty to be levied by distress.

The treasurer of the county shall without fee pay unto such constable all reasonable sums by him laid out for carriages, over and above what was or ought to have been paid by the officer requiring such carriages, out of the public stock, according to such rates and orders as the justices in sessions shall direct, which orders shall be made without fee; regard being had to the season of the year, and the length and condition of the ways; and if the public stock be not sufficient, the justices in sessions may raise money as for gaols and bridges.

No toll or duty shall be demanded or taken for any horses belonging to officers or soldiers upon their march or upon duty, or for any horses, cattle, or carriages employed in carrying the arms or baggage of any such officers or soldiers, or in carrying any sick, wounded, or disabled officers or soldiers, and no carriages so employed shall be subject to be weighed at any engine, nor the owner or driver liable to any penalty or forfeiture for carrying any greater weight than is allowed by law to be conveyed in such carriage. 18 G. 3. c. 63.

The constables and other chief officers and magistrates of cities, towns, villages, and other places, and in their default or absence, any one justice inhabiting in or near such place, and no other, shall and may quarter and billet the officers and soldiers in inns, livery stables, alehouses, and all houses selling brandy, strong waters, cyder, &c. by retail, and no other; and if any military officer shall take upon him to quarter soldiers otherwise than by this act, or shall offer any menace or compulsion to deter and discourage any civil officer from doing his duty, he shall on conviction before any two of the next justices by the oath of two witnesses, be *ipso facto* cashiered and disabled to hold any military employment; provided the con-

conviction be affirmed at the next quarter-sessions, and a certificate thereof be transmitted to the judge advocate, who shall certify the same to the next court-martial.—And if any person shall be aggrieved by having more soldiers billeted than in proportion to his neighbours, on complaint thereof to one justice, or if the person so billeting them be a justice, then on complaint to two justices, they may relieve him.

1 G. 3. c. 6.

No justice, having any military command, shall be concerned in quartering soldiers under his immediate command; but all things done by him therein shall be void.

Id.

If any constable, or other officer, shall neglect his duty in billeting, for the space of two hours, provided sufficient notice hath been given before, of the arrival of the forces; or shall take any reward to excuse any person; or if any person liable shall refuse to receive any soldiers, or to furnish them as required by this act, and be thereof convicted, before one justice, by confession, or oath of one witness, he shall forfeit 5*l.* (or any sum not exceeding 5*l.* nor less than 40*s.*) by distress, by warrant of such justice, to be directed to any other constable, or to any overseer of the poor of the parish where the offender shall dwell, for the use of the poor of the said parish.

Id.

If any officer shall take any money of any person, for excusing the quartering of soldiers, he shall be cashiered and incapacitated.

Id.

If any officer, military or civil, shall quarter any of the wives, children, men, or maid-servants of officer or soldier, in any house against the consent of the owner, if he is an officer of the army, he shall on proof made thereof to the commander in chief of the army, or judge advocate, be *ipso facto* cashiered; and if a constable, or other civil officer, he shall forfeit to the party grieved 20*s.* on proof thereof to the next justice, by distress.

Id.

Any justice by his warrant, may command any constable or other officer, to give an account in writing of the number of officers and soldiers billeted by them, and also of the names of the persons on whom they are billeted, with the street or place where they dwell, and the signs, if any; that it may appear where they are quartered, the better to prevent abuses in billeting of them.

Id.

In Westminster, the petty constables shall deliver lists on oath at every quarter-sessions, of the houses and persons obliged to receive soldiers quartered, and the number billeted in each house; the lists to remain with the clerk of the peace, to be inspected without fee: constables making default shall forfeit 5*l.* to the poor by distress, by warrant of one justice; for want of distress, to be imprisoned not more than three months, nor less than one.

If

If any officer or soldier shall be accused of any capital crime, ^{1 G. 3. c. 6.} or of any violence or offence against the person, estate, or property of any of the king's subjects, the commanding officer shall use his utmost endeavour to deliver over such accused person to the civil magistrate; and shall also be aiding to the officers of justice, in seizing and apprehending him, in order to bring him to trial; on pain, on conviction before two justices, by the oaths of two witnesses, of being *ipso facto* cashiered and disabled; provided the conviction be affirmed at the next quarter sessions, and a certificate thereof be transmitted to the judge-advocate, who shall certify the same to the next court-martial.

Soldiers convicted of profane cursing or swearing, and not paying the penalty, shall not be committed to the house of correction as other offenders, but shall be put in the stocks for one hour, for every single offence; and for any number of offences, of which they shall be convicted at one and the same time, two hours. ^{19 G. 2. c. 21.}

Deserting.

THE constable may take up any person reasonably suspected to be a deserter, and carry him before a justice in or near the place, who shall examine such suspected person; and if by his confession, or the oath of one witness, or the knowledge of such justice, he shall be found to be a deserter, the justice shall forthwith cause him to be conveyed to the county gaol, or house of correction (or the Savoy in London) and transmit an account thereof to the secretary at war; and the keeper of such gaol or house of correction shall receive the subsistence of such deserter, for his maintenance while he shall be in custody, but shall not be intitled to any fee for his imprisonment. ^{1 G. 3. c. 6.}

But no officer may break open any house to search for deserters, without a justice's warrant; on pain of 20l. ^{Id.}

The justice, before whom he is brought, shall issue his warrant to the collector of the land tax, of the parish or township where such deserter shall be apprehended, for paying out of the land tax money by him collected or to be collected, into the hands of him who shall apprehend, or cause to be apprehended, such deserter, the sum of 20s.; the same to be allowed on his account. ^{Id.}

If any person shall knowingly harbour or assist any deserter, ^{Id.} he shall forfeit 5l. and if any person shall knowingly buy or exchange or otherwise receive any arms, cloaths, or furniture belonging to the king, from any soldier or deserter, or change the colour thereof, he shall forfeit 5l. and on conviction by the oath of one witness, before one justice, the said penalties shall be levied by distress; half the first penalty to be to the informer,

former, by whose means such deserter shall be apprehended; and half the last penalty to the informer; and half of both, to the officer to whom the deserter did belong; and if such person have not sufficient, or shall not pay the penalty in four days, the justice shall commit him to gaol for three months, or cause him to be publickly whipped.

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No law gives, nor ever did give to justices a power to prolong a soldier's furlough.—In case of sickness, or other unavoidable accident, it may be useful for a justice to certify upon the back of the furlough such necessity, specially setting forth the same; to prevent his being apprehended as a deserter, or punished at his return.

1 G. 3. c. 6.

If any non-commissioned officer or soldier shall have wife, child, or children; two justices may summon him where he is quartered; to make oath of the place of his last legal settlement, who shall obey such summons, and make oath accordingly.—And the justices shall give an attested copy of such affidavit, to be delivered to the commanding officer, to be produced when required.—Which attested copy shall be admitted at any time in evidence as to such settlement, before any justices or at any sessions; and if he be summoned again to make any such oath as aforesaid, such attested copy of the former oath being produced, he shall not be obliged to take any further oath as to his settlement; but shall, if required, leave a copy of such attested copy of his former examination.

Setting up trades after their discharge.

22 G. 2. c. 44.

All such officers, mariners, soldiers, and marines, who have served since the 29th day of November, 1748, and not deserted, and also their wives and children, may set up and exercise such trades as they are apt and able for, in any town or place within Great Britain or Ireland (except Cambridge and Oxford) without any molestation by reason of the using such trade; nor shall they, or their wives or children, during the time they shall exercise such trades, be removable from such place to their last legal place of settlement, by virtue of any law now in being relative to the settlement of the poor, until they shall become actually chargeable; and if they shall be sued for exercising such trade, they shall have double costs.—Two justices may cause such officer, mariner, soldier, or marine, to be summoned before them, in order to make oath of the place of their last legal settlement; and the justices shall give an attested copy of such affidavit to the person making the same, in order that he may produce it when required.

*In

*In regiments of dragoons, the captains are allowed 9d. per day for each horse, one halfpenny of which goes to the farrier, the other for forage.—In quarters, the men oblige the landlords to furnish them with any quantity of hay or straw they shall think proper to make use of, there being no restraint by act of parliament; on the contrary, if the landlord refuse their demands, however extravagant, they are liable to pay five pounds for such default.

The second troop of horse grenadier guards allow 14lb. of hay per day, and 4lb. of straw, for each horse.

In camp, the allowance for each horse is 18lb. of hay.—The general and his suite are allowed 6lb. of straw per day for each horse.

By this act, all such officers, mariners, soldiers, and marines, as have been employed in the king's service since April 1, 1763, and have not since deserted, and also the wives and children of such, are authorized to set up and exercise trades in any part of Great-Britain; and shall not be liable to be removed from thence to their last legal place of settlement, until they become actually chargeable to the parish. 24 G. 3. sess. 2. c. 6.

Any two or more justices may summon such persons to make oath of the place of their last legal settlement, and they are required to obey such summons; an attested copy of which affidavit shall be delivered to the person making the same; which attested copy shall at any time be admitted as evidence of such legal settlement, before any of his majesty's justices, at any general or quarter-sessions of the peace.—A copy of such attested copy of the examination shall be left, if required. Id.

This act shall extend to all officers and soldiers drawn by ballot, and having personally served in the militia, or any of the fencible regiments, for three years from the said first of April, and been honourably discharged. Id.

This act shall not empower any one to set up the trade of a vintner, or to sell wine or other liquors within either of the universities, without licence from the vice-chancellor. Id.

Stamps.

IF any person shall carry about, or expose to sale, any almshouse not stamped according to law, any justice of the peace may upon conviction commit such offender to the house of correction for any time not exceeding three months.—And any 16 G. 2. c. 26.

* This is inserted, not as intended to lay down the law, in a case, for which no proper provision seems to have been made, but as a rule, by which the magistrate's judgment may be directed, when the matter comes, as it often does, before him.

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person

person seizing and carrying such offender before a justice of the peace is entitled to a reward of 20s. to be paid by the receiver general of the stamp duties.

30 G. 2. c. 19. The same penalties are appointed, and the same reward is offered for apprehending offenders against this act, as by the former of 16 G. 2. c. 26.

23 G. 3. c. 49. Bills of exchange, promissory or other notes, drafts, or orders, under 50l. a stamp of 6d.; if 50l. or upwards, a stamp of 1s.—Not to extend to drafts or orders for payment of money on demand to bearer, drawn upon bankers living within 10 miles of the drawer, nor to drafts or notes under 40s.

23 G. 3. c. 49. Receipts for 2l. and under 20l. a 2d. stamp; for 20l. and upwards, and also all expressed *in full of all demands*, a 4d. one.—But not to extend to receipts by seamen or soldiers for wages or pensions, nor to those for the purchase money in any public fund, or the dividends thereof, nor to those for drawbacks, or bounties on exportation, &c.

23 G. 3. c. 49. The whole sum to be inserted in a receipt, and where the giver or receiver acts otherwise, or separates the sum into divers receipts, or is guilty of any fraudulent device, with intent to defraud the duties on receipts, he forfeits 20l.

24 G. 3. c. 7. Penalty on drawing a draft, or writing a receipt on unstamped paper, 5l. to be recovered in a summary way before a magistrate, by distress and sale, and in default of distress, the offender to be committed for three months.—An appeal given to the sessions.—And a discretionary power to the magistrate to mitigate to a moiety of the penalty.

A penalty of 40s. to be levied as above, is inflicted on persons summoned as witnesses that shall neglect to appear, or appearing refuse to be examined.—The penalties to be applied, one moiety for the use of his Majesty, the other moiety to the informer.

Id. No bill, note, or receipt, to be stamped after written or signed unless on payment of 10l.

20 G. 3. c. 28. & 23 G. 3. c. 58. Receipt for a legacy or distributive share of an intestate's personal estate, the amount whereof shall not exceed 20l. to be by the first of these acts on a stamp of 2s. 6d. to which by the last act an additional 2s. 6d. stamp is imposed; where the amount is above 20l. and under 100l. the first act requires a stamp of 5s. to which by the last act an additional 5s. stamp is imposed.—And where the amount is 100l. and upwards, the first act requires a stamp of 20s. to which the last act for the first hundred adds another 20s. stamp, and an additional 20s. for every other hundred.

N. B. The additional duties, that is, those imposed by the act of 23 G. 3. do not extend to legacies or shares of personal estate, where the persons to whom such legacies are given, or shares

shares coming, stand in the relation of wives, children, or grand children to the testator or intestate.

Stamp duty on the registry of marriages, burials, births, and christenings.

UPON the entry of any burial, marriage, birth, or christening, in the register of any parish, precinct, or place in Great Britain, a stamp duty of 3d. shall be paid, except in the case of a pauper.

23 G. 3. c. 67.

N. B. The penalty on the parson, vicar, or curate, &c. for making any such entry on unstamped paper, or parchment, is 5l.—But there is a proviso that an entry may be made without any stamps where a licence is granted for the purpose by three commissioners of the stamp duty, or their officer; so as the party having the custody of the register shall produce it at all times to the commissioners or their officers, and as often as required pay to the receiver general of the duties, &c. all sums which, according to the true meaning of the act, ought to be paid in respect of such entry.

All prosecutions for recovery of the duties granted by, as also for all forfeitures and offences made and committed against, this act, shall be heard and determined by any justice of the peace residing near to the place where such forfeiture shall be made or offence committed; and if the party finds himself aggrieved by the judgment of any such justice, he shall and may appeal to the justices of the peace at the next quarter-sessions, and their judgment therein shall be final: and every such justice is hereby authorized, and strictly enjoined and required, upon complaint or information, to summon the party accused, and upon his appearance, or refusal or neglect to appear, to proceed to the examination of the matter of fact; and upon due proof made thereof, either by the voluntary confession of the party, or by the oath of one or more witness or witnesses, to give judgment thereupon, and to issue out warrants under his hand for the levying such penalty upon the goods and chattels of the offender; and to cause sale to be made, if not redeemed within fourteen days, rendering to the party the overplus, if any.

Id.

But it shall and may be lawful to and for the said justice, where he shall see cause, to mitigate or lessen any such forfeiture or penalty as he shall think fit, so that such mitigation do not reduce the penalties to less than a moiety of the penalties incurred, over and above the costs.

Id.

All forfeitures and penalties mentioned in this act (the necessary charges for the recovery thereof being first deducted) shall be divided and distributed, one moiety thereof to and for the use of his Majesty, his heirs and successors, and the other moiety to such person and persons who shall inform and sue for the same.

25 G. 3. c. 75.

By this act, that of 23 G. 3. c. 67, is extended to his Majesty's protestant subjects dissenting from the church of England, as well to those who use infant baptism as to such as do not use it; all whose registers shall be liable to the stamp duties imposed by the former act.

On Callicoes, Mullins, &c.

27 G. 3. c. 31.

UPON oath made by any credible person or persons, that there is reason to suspect or believe that French printed, stained, painted, or dyed callico, mullin, &c. for which any duty of excise ought to have been paid, is in the possession of any draper or other person dealing therein, or of any person, for sale, without being duly stamped, it shall be lawful for the commissioners of excise, or any two or more of them, within the bills of mortality, or any two justices of the peace in any other part of Great Britain, to issue their warrants, requiring any officer or officers of excise (with the assistance of a constable, or other officer of the peace) in the day time, to search for the same, and to open doors, trunks, chests, and packages, and to seize such goods, together with the packages containing the same, and to carry away the same, in order that the same may be lawfully condemned, and every such warrant shall be obeyed and executed accordingly.

Id.

If unstamped callicoes, &c. be found in any place, except shipt for exportation, they are forfeited, and also 100l.

Starch and Soap.

24 G. 3. sess. 2. c. 48.

BY this act, from Sept. 20, 1784, no starch-maker shall erect, alter, enlarge, or make use of any place for making, drying, or keeping starch, or the materials for making it, without giving notice at the office for the duty on starch, next to the place where it shall be made: Every person neglecting or refusing to do this, shall forfeit for every such offence 200l.

Id.

Any person knowingly assisting in making starch in un-entered houses, shall forfeit 30l.

The

The officers of excise, and all persons acting in their aid, may stop, arrest, and detain such offender, as above, and convey him to one or more justice or justices, who, on confession of the party, or on proof by the oath of one or more credible witness or witnesses, may convict the offender; and if the said sum of 30l. be not immediately paid into the hands of the officer before the justice or justices, he or they shall commit the offender to the house of correction to hard labour for six months, or till the said sum of 30l. be paid and discharged:—And in case of a second offence, he, she, or they shall forfeit 60l. or be committed for one year, or till the said sum of 60l. be paid. 24 G. 3. sess. 2. c. 48.

The outward door of every starch-house is to have the christian *Id.*
and surname of the maker inscribed in letters three inches long,
on pain of forfeiting 100l.

The word *starch* shall be legibly marked on every package *Id.*
when any quantity exceeding 28lb. shall be removed by land or
by water, on pain of forfeiting thereof, with the cattle and car-
riages, &c.

Any dealer receiving more than 28lb. of starch not marked as *Id.*
aforesaid, shall forfeit 200l.

Any starch-maker obstructing the officers for the duties upon *Id.*
starch, in executing their office, shall forfeit 100l.

Soap officers may, by day or night (by the authority of the *Id.*
same act) without waiting for the presence of a constable or peace
officer, be permitted, on request, to enter any place for making
soap, and take an account of the same, and of all materials for
making it; and they shall remain in such place or places as they
shall think fit.

No soap-maker shall have any conveyance from or to any cop- *Id.*
per or pan, except one moveable pump, nor any cock or hole,
except for the steam, on the side or curb, &c. of his boiler or
copper, on pain of forfeiting 500l.

The cover and furnace door, &c. are to be kept locked by the *Id.*
officer, except when at work:—Locks and keys are to be pro-
vided by the surveyors, &c. at the expence of the makers: And
any person clandestinely opening any copper, pan, or utensil,
or damaging such fastening, shall forfeit 100l.

If any soap-makers shall obstruct the officers of excise, they *Id.*
shall forfeit 50l.

Any officers of excise may take an account, as often as he *Id.*
shall think proper, of all materials for making soap in the mak-
er's possession.

Soap-makers to provide scales, &c. and assist the officer in *Id.*
weighing, &c. on penalty of 20l.

Makers of soap are to give proper notice to the officer before *Id.*
they charge their copper; *i. e.* 12 hours within the head office
of excise in London; and in any other place 24 hours before the
time of charging, on pain of forfeiting 100l.

24 G. 3. *sec. 2.*
c. 48.

Id.

No hard soap, after the commencement of this act, shall be sold but in the shape of cakes or bars, on penalty of 100*l.*

All fines, penalties, and forfeitures, imposed by this act, shall be recovered and applied as other penalties recovered and levied by any laws of excise: One moiety to be paid to his Majesty, and the other to him that shall inform, discover, or sue for the same.

Stolen Goods.

22 G. 3. c. 58.

ANY one justice of the peace, upon complaint made before him upon oath, that there is reason to suspect that stolen goods are knowingly concealed in any dwelling-house, outhouse, garden, &c. by warrant under his hand and seal, may cause every such place or places to be searched in the day-time; and the person or persons knowingly concealing the said stolen goods, or any part thereof, or in whose custody the same, or any part thereof, shall be found, he, she, or they, being privy thereto, shall be deemed and held guilty of a misdemeanour, and shall and may be brought before any justice* of the peace for the county, city, &c. and being thereof convicted by due course of law, shall be punishable by fine, imprisonment, or whipping, as the court shall think fit.

Id.

And every constable, headborough, &c. and every beadle within his ward, and every watchman, during such time only as he is on his duty, shall and may apprehend, or cause to be apprehended, all and every person and persons, who may reasonably be suspected of having, or carrying, or any ways conveying, at any time after sun-setting, and before sun-rising, any goods or chattels suspected to be stolen, and the same, together with such person or persons, as soon as conveniently may be, to convey or carry before any justice of the peace for the county, city, &c. to be dealt with according to law; and such person and persons, so carrying or conveying such goods or chattels, knowing the same to have been stolen, and being thereof convicted, by due course of law, shall be deemed and held to be guilty of a misdemeanour, and, on conviction as aforesaid, shall be imprisoned for any time not exceeding six calendar months, nor less than three calendar months.

* N. B. If the goods stolen and received are lead, iron, copper, brass, bell-metal, or solder, the buyers or receivers thereof must be carried before two or more justices of the peace, and are punishable by transportation for 14 years, by 29 G. 2, c. 30.

Note also.—That buying such goods at a very low price is interpreted to be, knowing them to be stolen.

And

And every person, to whom any goods or chattels, which have been feloniously stolen or taken, shall be brought and offered to be sold, pawned, or delivered, shall, and is hereby empowered and required (there being reasonable cause to suspect that such goods or chattels were stolen) to apprehend, secure, and carry before a justice of the peace for the county, city, town, corporate, riding, division, liberty, or place, where the same goods and chattels shall be so brought or offered to be sold, pawned, or delivered, (having it in his or her power so to do) the person and persons bringing or offering the same. 22 G. 3. c. 38.

And if any person or persons, being out of custody or in custody, if under the age of 15 years, upon any charge of felony within benefit of clergy, shall have committed any felony, and shall afterwards discover two or more persons who shall have bought or received any goods or chattels, which shall have been feloniously stolen or taken, knowing the same to be stolen, so that two or more of the persons discovered shall be convicted of such buying or receiving, he, she, or they, so discovering, shall have, and be entitled to, the gracious pardon of his majesty, his heirs and successors, for all such felonies, by him or her committed at any time or times before such discovery. *Id.*

Summons.

IN all legal proceedings, the person complained of ought to have notice of the charge laid against him, and to have an opportunity of being heard in his own defence.—Consequently, where a person is accused before the justices, they ought to summon the party to appear, or issue their warrant to bring him before them. The manner of convening the parties is sometimes directed by the acts of parliament creating the respective offences; which therefore ought to be pursued accordingly.—In other cases, where it is left discretionary in the justices, it seemeth most agreeable to the mildness of our laws to put the party to no more inconvenience than needs must; and therefore, where the case will bear it, a summons* seems more apposite than a compulsory process.—But in cases of sureties of the peace, petty larcenies, and other felonies, and generally where the king is party, and also in cases between party and party, where the body of the offender is liable, a warrant is the regular process, and not a summons.

*Burn, vol. iv.
p. 256.*

* See Appendix, No. 78.

Surety for the peace.

Dalt. c. 116.

SURETY for the peace is the acknowledging a recognizance, or bond, to the king, taken by a competent judge of record, for the keeping† the peace.—And this surety of the peace every justice of the peace may take and command, 1. As a minister, commanded thereto by a higher authority. 2. As a judge, and by virtue of his office, derived from his commission.

By the commission of the peace, one or more justices have power to cause to come before them, all those who to any of the king's people concerning their bodies, or the firing of their houses, have used threats, to find sufficient security for the peace or their good behaviour towards the king and his people: and if they shall refuse to find such security, to cause them in the king's prisons to be safely kept, until they shall find such surety.

Comyns, 118.

A wife may demand it against her husband threatening to beat her outrageously, and a husband also may have it against his wife.

Dalt. c. 117.

An infant under the age of 14 years may demand this surety, and it shall be granted him.

1 Haw. 127.

It ought, upon a just cause of complaint, to be granted by any justice of the peace, against any person whatsoever, under the degree of nobility, being of sane memory, whether he be a magistrate or private person, and whether he be of full age, or under age.—The safest way of proceeding against a peer, is by complaint to the court of chancery or king's bench.

1 Haw. 128.

If the person to be bound be in the presence of the justice, he may be immediately committed, unless he offers sureties.

5 Co. 59.

The justice may make the warrant under seal, to bring the party before himself or some other justice, or he may make it to bring the party before himself only; for he that maketh the warrant for the most part hath the best knowledge of the matter, and therefore he is the fittest to do justice in the case.

1 Haw. 129.

If one who fears that the surety of the peace will be demanded against him, find sureties before any justice of the same county, either before or after a warrant is issued against him, he may have a superedeas from such justice, which shall discharge him from arrest from any other justice, at the suit of the same party, for whose security he has given such surety.

2 Haw. 86.

Where a person authorized by warrant of a justice of the peace, to compel a man who is sheltered in an house, to find sureties for the peace or good behaviour, is denied quietly to enter into it, he may justify breaking open the doors, in order

† See Appendix, No. 52.

to take him; but he must first signify to those in the house the cause of his coming, and request them to give him admittance.

If the warrant specially direct that the party shall be brought before the justice who made it, the officer ought not to carry him before any other; but if the warrant be general, to bring him before any justice of such place, the officer has the election to bring him before what justice he pleaseth, and may carry him to prison for refusing to find surety before such justice. 1 Haw. 123.

If the party is carried before another justice, and not before him who issued the warrant, such other justice must take the surety, and bind him by recognizance in all points as the form of the precept doth require. Dalt. c. 113.

If the officer arrest the party, and do not carry him before the justice to find sureties; or upon the refusal of the party, if the officer shall arrest him, and do not carry him to the gaol, in both these cases the officer is punishable by the justices for this neglect, by indictment and fine at their sessions.—When the party cometh before the justice, he must offer sureties, or else the justice may commit him; for the justice needeth not to demand surety of him. Id.

If a man that was bound to keep the peace, hath broken his bond, the justices ought of discretion to bind him anew; but not until he be thereof convicted by due course of law. Lamb. 78.

The recognizance, which the justice takes for the keeping of the peace, is rather of congruity, than by any express authority given either by the common law, or by statute. Crom. 125.

The recognizance is forfeited, if the party make default of appearance, and the same default shall be recorded. Dalt. c. 168.

It may also be forfeited by any actual violence to the person of another, whether it be done by the party himself, or by others through his procurement. 3 H. 7. c. 1.

The justices cannot in any case proceed against the party, for a forfeiture of his recognizance, either in respect of his not appearing, or breaking the peace; the recognizance itself, with the record of default of appearance, ought to be removed into some of the courts at Westminster. 1 Haw. 130.

He who is bound to the peace, and to appear at a certain day, must appear at that day, and record his appearance, although he who craved the peace cometh not to desire that it may be continued; otherwise the recognizance cannot be discharged. Id.

Dalt. c. 120.

Surety for the good behaviour.

Dalt. c. 122.

A MAN may be compelled to find sureties both for the good behaviour and for the peace; and yet the good behaviour includeth the peace: and he that is bound to the good behaviour, is therein also bound to the peace.

Dalt. c. 123.

The surety* of the good behaviour is of great affinity with that of the peace, and is provided chiefly for the preservation of the peace; and is most commonly granted either in the open sessions, or by two or three justices out of sessions.—Yet by the words of the commission, as also by the common opinion of the learned, one justice alone, out of sessions, may grant this surety of the good behaviour.—But this is not usual, unless it be to prevent some great and sudden danger, especially against a man that is of any good estate, carriage, or report.—And it shall be good discretion in the justices, that they do not grant it, but either upon sufficient cause seen to themselves, or upon the suit or complaint of others, and the same very honest and credible persons.

1 stw. 132.

A man may be bound to his good behaviour for many causes of scandal, which give him a bad fame, as being contrary to good manners only; as for consorting with women of bad fame; or for speaking words of contempt of an inferior magistrate, as a justice of the peace, or mayor, though he be not then in the actual execution of his office; or of an inferior officer of justice, as a constable, and such like, being in the actual execution of his office.

Id.

It seems the better opinion, that no one ought to be bound to the good behaviour, for any rash, quarrelsome, or unmannerly words, unless they either directly tend to a breach of the peace, or to scandalize the government, by abusing those who are intrusted by it with the administration of justice, or to deter an officer from doing his duty.

Id.

The magistrate has a discretionary power to take such surety of all those whom he shall have just cause to suspect to be dangerous, quarrelsome, or scandalous; as of those who sleep in the day, and go abroad in the night; and of such as keep suspicious company; and of such as are generally suspected to be robbers, common drunkards, and the like; and all other persons of evil fame.

Dalt. c. 124.

In general, whatsoever act or thing is of itself a misbehaviour, is cause sufficient to bind such an offender to good behaviour.

* See Appendix, No. 30.

Swearing.

Swearing.

IF any person shall profanely curse or swear, and be thereof convicted on confession, or oath of one witness, before one justice (or mayor) within eight days, he shall forfeit as follows: that is to say, 19 G. 2. c. 21.

Every day labourer, common soldier, or common seaman, 1s.

Every other person under the degree of a gentleman, 2s.

And every person of or above the degree of a gentleman, 5s.

And for a second offence after conviction, double; and for every other offence after a second conviction, treble.

Which said penalties shall go to the poor of the parish where the offence was committed.

If such person shall curse or swear in the presence and hearing of a justice (or mayor), &c. he shall convict him without other proof. *Id.*

If in the presence and hearing of a constable, if he is unknown to such constable, the said constable shall seize and carry him forthwith before the next justice (or mayor of a town corporate) who shall convict him upon the oath of such constable. *Id.*

If he is known to such constable, he shall speedily make information before some justice (or mayor), &c. in order that he may be convicted. *Id.*

The constable, if it be in his hearing, is required to prosecute; but any other person also may prosecute if he pleases.— *Burn, vol. iv. p. 293.*

N. B. The prosecution must be within eight days.

Such justice (or mayor) shall immediately on such information on the oath of any constable, or of any other person, cause the offender to appear before him; and on proof of such information convict him: and if he shall not immediately pay down the penalty, or give security to the satisfaction of such justice (or mayor), he may commit him to the house of correction, to be kept to hard labour for ten days. 19 G. 2. c. 21.

The charges of the information and conviction shall be paid by the offender, if able, over and above the penalties; which charges shall be ascertained by such justice. *Id.*

And if he shall not immediately pay such charges, or give security to the satisfaction of such justice (or mayor), he may commit him to the house of correction to be kept to hard labour for six days, over and above such time for which he may be committed for non-payment of the penalties; and in such case, no charges of information and conviction shall be paid by any person. *Id.*

If such soldier or seaman shall not so pay or secure the penalty, and also the costs of the information, summons, and conviction, he shall, instead of being committed to the house of correction, be ordered to be publickly set in the stocks for

one hour for every single offence, and for any number of offences, whereof he shall be convicted at one and the same time, two hours.

19 G. 2. c. 21.

The conviction shall be in the words and form following:

*Be it remembered, that on the day of in the
year of his majesty's reign, A. B. was convicted before
me one of his majesty's justices of the peace for the county,
riding, division, or liberty aforesaid; (or before me mayor
of the city or town of within the county of) of
swearing one or more profane oath or oaths, or of cursing one or
more profane curse or curses. Given under my hand and seal the day
and year aforesaid.*

Id.

The justice (or mayor) shall cause the conviction to be fairly written upon parchment, and returned to the next general or quarter-sessions for the county, to be filed by the clerk of the peace, and kept amongst the records.

Id.

If any justice (or mayor) shall omit his duty, in the execution of this act, he shall forfeit 5l.; half to the poor where he shall reside, and half to him that shall sue in any court of record.

Id.

The constable omitting his duty, shall on conviction, on oath of one witness, before one justice (or mayor) forfeit 40s. to be levied by distress, half to the informer, and half to the poor; and if he have not sufficient goods whereon to levy, such justice (or mayor) may commit him to the house of correction, to be kept to hard labour for one month.

Id.

This act shall be publickly read four times in the year, in all churches and chapels, by the minister immediately after morning or evening prayer, on the Sundays next after March 25, June 24, Sept. 29, and Dec. 25; on pain of 5l. for every offence, to be levied by distress, by warrant of a justice, mayor, or other chief magistrate.

Tickets,

27 G. 3. c. 1.

IN this act, the statutes of 8 G. 1, c. 2; 12 G. 2, c. 28; and 22 G. 3, c. 47, respecting lotteries, are recited; and the powers thereby given, are to continue in force, except such as are hereby altered.

After the passing of this act, the penalties incurred under the recited acts may be sued for by any persons whomsoever within six months; and the penalties shall be applied, one moiety to the use of his Majesty, his heirs and successors, and the other moiety, with full costs of suit, to the persons who shall sue for the same.

In

In every action for penalties, the defendant shall be obliged to give bail to answer it: provided that the bail required to be given shall, in no case, exceed the sum of 500*l*. 27 G. 3. c. 1.

And whereas by 17 G. 2. c. 5, the full powers whereof are extended to this act, all persons playing or betting at any unlawful games or plays shall be deemed rogues and vagabonds: and whereas all lotteries not established by act of parliament, in Great Britain or Ireland, are declared to be common and publick nuisances: and whereas all adventuring with lottery tickets, in such lotteries as are established by act of parliament, other than by the actual sale of tickets, and of such shares thereof as are permitted by law to be sold, is wholly prohibited by the said act of 22 G. 3. c. 47.

The said 17 G. 2. c. 5, shall be extended to all persons who shall deal in tickets without taking out a licence pursuant to 22 G. 3. c. 47, or sell chances of any ticket, or share thereof, for a day, or part of a day, or any less time than the whole time of drawing in any lottery; or insure, for or against the drawing of any such ticket or tickets; or receive any money or goods, to repay any sum or sums of money, or to deliver the same, upon any other chance or chances, relative to the drawing of any such ticket or tickets, shall be deemed rogues and vagabonds, within the true intent and meaning of 17 G. 2. c. 5, and shall be punishable as such accordingly.—All persons who shall be found offending against this act, in the manner above mentioned, shall and may be apprehended and conveyed before some justice or justices of the peace, who shall and may, upon full and sufficient proof of the offence, order such offender to be sent to the house of correction, there to remain until the next general or quarter sessions of the peace; and the justices, at such sessions, shall proceed therein according to the directions of the said act; and all justices of the peace, &c. are hereby impowered and strictly required to use their utmost endeavours to prevent the committing of any of the offences aforesaid, by all lawful ways and means; and are hereby indemnified for any thing done in execution of this act.

From the passing of this act, the possessor of a whole ticket may insure it, by a written agreement, for its full value.—But such insurance must be for the whole time remaining of the drawing; and the ticket must be deposited with the receiver general of the stamp duties, or some person appointed by him to receive it: provided, that every such ticket so deposited may be assignable, together with such insurance.

Persons not duly licensed making insurances, become liable to the penalties of keeping unlicensed lottery offices.

No person, against whom any action, for the recovery of a pecuniary penalty, hath been commenced and carried on with effect, shall be liable to imprisonment as a rogue and vagabond

bond under this act for the same offence; nor shall any person who has been convicted and sentenced to imprisonment as a rogue and vagabond under this act, be liable afterwards to be prosecuted for any pecuniary penalty for the same offence.

27 G. 3. c. 1.

All penalties and forfeitures, which shall belong to his Majesty, and which shall be received by any officer, in the execution of this act, shall be paid into the hands of the receiver-general of the stamp office for the time being, who thereout shall pay the expence the said office shall be put to in executing this act; and shall pay the residue into the receipt of the exchequer at such time, and in such manner, as other penalties due to his Majesty are or shall be paid or payable.

If any person shall at any time or times be sued, for any thing done in pursuance of this act, and if upon the trial a verdict shall pass for the defendant, or the plaintiff shall be nonsuited, such defendant or defendants shall have treble costs.

Tithes.

7 G. 3. W. c. 6.

GREAT tithes, are chiefly corn, hay, and wood.—Small tithes, are the prædial tithes of other kinds, together with those which are called mixt and personal.—Offerings, oblations, and obventions, are the customary payments for communicants at Easter, for marriages, christenings, churching of women, burials, and such like.

Id.

Of these demand must first be made, and if any person shall fail in the payment of the same, by the space of 20 days after such demand, the person to whom the same shall be due, may make complaint* in writing to two justices of the peace, neither of whom is patron of the church or chapel, nor interested in the tithes.

Id.

Hereupon the said justices shall summon† in writing under their hands and seals, by reasonable warning, every person against whom such complaint shall be made.—And after appearance, or default of appearance (the warning or summons being proved upon oath) the said justices shall proceed to hear and determine the complaint: and give in writing under their hands and seals, such compensation as they shall judge to be just and reasonable; and also such costs and charges, not exceeding 10s. as upon the merits of the cause shall appear just.

Id.

Also they may give costs, not exceeding 10s. to the party prosecuted, if they shall find the complaint to be false and vexatious.

Id.

And if any person shall refuse or neglect by the space of ten days after such notice given, to pay or satisfy such sum ad-

* See Appendix, No. 81.

† See Appendix, No. 83.

judged;

judged; the constables and churchwardens, or any one of them, shall by warrant under the hands and seals of the said justices, distrain* his goods.

But the distress shall be detained not less than four days, nor more than eight; and the officers may deduct the charges not only of making and keeping the distress, but also of the sale. 27 G. 2. c. 20.

Any person aggrieved by the judgment of the two justices, may appeal to the next sessions. 7 & 8 W. c. 6.

Where any quaker† shall refuse to pay or compound for the same, any parson, vicar, or other person who ought to receive or collect any such tithes, rates, dues, or payments, may make complaint to any two justices, other than such as is patron, or any way interested in the tithes. 1 G. 2. c. 6.

Upon which complaint the justices shall summon‡ in writing under their hands and seals, by reasonable warning, such quaker.—And may proceed to examine the truth of the complaint, and to ascertain and state what is due and payable. Id.

And by order under their hands and seals, they may direct§ and appoint the payment thereof; so as the sum ordered (as is aforesaid) do not exceed 10l.—And also such costs and charges, as they shall think reasonable, not exceeding 10s. Id.

And on refusal to pay, it shall be lawful for any one of the two next justices, by warrant under his hand and seal, to levy the same by distress|| and sale, rendering the overplus, the necessary charges of distraining being thereout first deducted and allowed by the said justice; unless it be in the case of appeal, and then no warrant of distress shall be granted, till after the appeal shall be determined. Id.

By the statute of the 27 G. 2, c. 20, which in all other cases gives the justices power, in their warrant of distress, to order the goods distrained to be detained for a certain time, not less than four nor more than eight days, the tithes and *church-rates of quakers are excepted.

Any person aggrieved by the judgment of the two justices, may appeal to the next sessions.

Tobacco.

THE justices shall a month before every sessions, issue their warrants to all high and petty constables, to search what tobacco is planted, cured, or made, and by whom; and to 22 & 23 C. c. 26.

* See Appendix, No. 87.

§ See Appendix, No. 86.

† See Appendix, No. 82.

|| See Appendix, No. 88.

‡ See Appendix, No. 84.

** It appears then, that church-rates not paid by quakers, may be recovered before two justices of the peace, in like manner as their tithes. See 7 & 8 W.

c. 34. 1 G. 1, s. 2, c. 6.

make

make presentment in writing on oath at the next sessions, of the names of such persons as have planted, cured, or made any tobacco, and what quantity of land is or was planted, and who are the tenants or occupiers thereof, who shall also be deemed the planters.

22 & 23 C. 26. And all constables, and other public officers, shall, within 14 days after warrant from two justices, utterly destroy all tobacco seed, plant, and leaf planted, sowed, or growing in any field or ground.—And if any shall refuse or neglect to assist the constable, he shall on conviction before two justices, forfeit 5s. to be levied by warrant of the said justices by distress; and if no distress can be found, he shall be committed to the common gaol for one week.—And if any person shall resist the constable or other person in the due execution hereof, he shall, on conviction before two justices, forfeit 5l. by warrant of the said justices by distress; and if no distress can be found, shall be committed to the common gaol for three months.

1 G. 3. 2. c. 46. Any servant employed in adulterating tobacco and snuff, shall, on conviction before two justices, by oath of one witness, be committed to the common gaol or house of correction, to be kept to hard labour not exceeding six months.

24 G. 2. c. 41. And if any tobacco, or stalks, exceeding 24lb. or snuff exceeding 10lb. shall be found removing by land from the port of importation, without a certificate of payment of the duty, the same, together with the packages, horses, and carriages shall be forfeited; and the carrier shall besides be committed to the county gaol for one month by one justice, where the offence shall be committed, or the offender shall be found.

The seizure of the said horses and carriages may be prosecuted and determined before two justices residing near the place where the seizure was made.

Torn.

2 Haw. 55. THE sheriff's torn is the king's court of record, holden before the sheriff, for the redressing of common grievances within the county.

52 H. 3. c. 10. Peers, clergymen, and tenants in ancient demesne, are privileged from appearing at the torn.

Transferring

Transferring Taxes.

Coaches, Carriages, and Horses.

THIS act is intituled, *an act for transferring the receipt and management of certain duties therein mentioned from the commissioners of excise, and the commissioners of stamps respectively, to the commissioners for the affairs of taxes.* 25 G. 3. c. 47.

For every coach, landau, or other four-wheeled carriage, (except hackney coaches) shall be paid from July 5, 1785, the sum of 7l. per annum; for every calash, chaise, or other carriage, with two or three wheels, 3l. 10s. per annum. The duties to be no longer under the management of commissioners of excise and of stamps, but under the management of the commissioners for the affairs of taxes.

From and after the tenth day of October, the several powers and provisions, by the acts of the 23d and 24th years of his present Majesty, or either of them, made for paying, collecting, and securing the duties on waggons, wains, and other such carriages not charged with any duty under the management of the commissioners of excise; and also on horses kept for the purpose of riding, or used in drawing certain carriages, in respect whereof any duty of excise is made payable, or for limiting the time or manner of paying the same, and all penalties and forfeitures in respect thereof, shall cease and determine.

But nothing in this act contained shall extend to remove from the management of the commissioners of stamps the licences granted by them to any person or persons exercising the trade and business of an horse-dealer, nor to remove the management of the duties charged on the owners of horses entered to start or run for any plate, prize, sum of money, or other thing.

From and after the fifth day of July, 1785, so much of the act 23 G. 3, c. 66, charging duties upon waggons, and other carriages therein mentioned, as requires the said duties to be expressed in a licence for keeping such waggons and carriages, shall be no longer in force, but the same duties shall be payable without the form of a licence.

From July 5, 1785, the duties on carriages, the duties on waggons, &c. and on horses, shall be assessed, &c. by such persons; and in like manner, as the duties on houses and windows, granted by the several acts of 20 G. 2, c. 3; 20 G. 2, c. 42; 21 G. 2, c. 10; 26 G. 2, c. 17; 31 G. 2, c. 22; 2 G. 3, c. 8; 6 G. 3, c. 38; 19 G. 3, c. 59; and 24 G. 3, c. 38.—And the transfer duties are to be applied as under the former acts.

Transferring Taxes.

25 G. 3. c. 47.

The commissioners for putting in execution the said acts on houses, and windows or lights, and inhabited houses, shall be commissioners for executing this present act; they shall meet every year on or before the thirtieth day of April; and shall then divide themselves to act in separate districts, and proceed in the execution of this present act, for assessing and collecting the duties on carriages and horses, in the same manner as is prescribed by the said acts relative to the duties on houses, &c. except so far as any alteration is made by this act.

No person shall presume to act as a commissioner in the execution of this act, (except in administering the oath of qualification herein-after expressed), until he shall have taken the several oaths requisite to qualify him for acting as a commissioner of the several duties charged on houses, &c. and also shall have taken the following oath; (that is to say),

I A. B. do swear, that I will truly and faithfully execute the office of a commissioner, according to an act made in the 25th year of the reign of King George the Third, for transferring the receipts and management of certain duties therein mentioned from the commissioners of excise, and the commissioners of stamps respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred; and will determine, without favour or affection, upon all appeals which shall be brought before me, under the said act, according to the best of my skill and knowledge.

So help me GOD.

Which oath any two or more of the commissioners, where the assessment is to be made, are hereby authorized to administer; and if any person shall act as a commissioner in the execution of this act, (except as aforesaid), before he shall have taken such oaths, he shall, for every offence, forfeit one hundred pounds.

The duties on carriages and horses, so to be assessed under this act, shall be paid quarterly, i. e. on the fifth day of January, the fifth day of April, the fifth day of July, and the tenth day of October, in every year, by equal portions; the first of the said payments to be made on the tenth day of October, 1785, for the duties on coaches, chaises, &c.; and on the fifth day of January, 1786, for the duties on waggons, wains, and other such carriages, and on horses.

If at any time there shall be a neglect of appointment of assessors for the said duties on houses, and windows or lights; or if at any time the assessors appointed shall neglect what is required of them by this act, it shall be lawful to and for the surveyors or inspectors appointed under authority of the said acts, relative to the duties on houses, &c. and they are hereby

authorized

authorized and required to do and perform such and the like ^{25 G. 3. c. 47.} services as, by the said act, or any of them, are required from such assessors.

Every person appointed assessor as aforesaid, or any surveyor or inspector hereby authorized to act as an assessor, shall, before he presumes to act, take (besides the oaths or affirmations required to be taken by assessors, by the before-mentioned acts, relative to the duties on houses, &c.) an oath, or, being one of the people called quakers, make and subscribe a solemn affirmation, in the following form:

I A. B. do swear, [or affirm, as the case may require], that in making the assessment, which by authority of an act, made in the twenty-fifth year of the reign of King George the Third, for transferring the receipt and management of certain duties therein mentioned, from the commissioners of excise, and the commissioners of stamps respectively, to the commissioners for the affairs of taxes, I will charge all persons according to the best of my skill and knowledge.

So help me GOD.

Which oath or affirmation, any two or more of the commissioners, where the assessment is to be made, are hereby authorized and required to administer; and if any person so appointed to act as an assessor, shall presume to act before he shall have taken the aforesaid oath or affirmation, he shall forfeit for every such offence, the sum of twenty pounds.

The commissioners, in the precepts directed by them to the inhabitants of the parishes or places, within their respective districts or divisions, naming whom they shall think fit to be assessors under the said acts, relative to the said duties on houses, &c. shall cause notice to be inserted, that such persons are also appointed assessors of the said recited duties upon carriages and horses.

Assessors shall, within fourteen days after their appointment yearly, give or leave notice in writing, to or for every person keeping any carriage or horse liable to the said duties on carriages and horses, within the limits for which such assessors are to act, at his or her dwelling house, to prepare and produce, within the space of fourteen days, one list in writing of carriages, liable to the said duties; the said list to describe the greatest number of such carriages which such person shall have kept at any one time in the course of the year, ending on the fifth day of April preceding such notice, distinguishing which are kept for private use, and which for hire, and which are used as public stage coaches; and another list in writing of the number of horses liable to the said duties on horses; and every such person shall sign the same with his or her own hand, and

Transferring Taxes.

25 G. 3. c. 47. cause it to be delivered to such assessor or assessors, when he or they shall call for the same; and if any such person shall neglect or refuse to make out, sign, and deliver such lists, within the time before mentioned, then such assessor or assessors shall, from the best information he or they can obtain, make an assessment upon such person.

And every such assessment so made shall be final and conclusive upon the person thereby charged, who shall not be at liberty to appeal therefrom, unless such person shall alledge such excuse for not having delivered his or her list or lists, as the commissioners shall think reasonable and sufficient.

The lists which shall be delivered, shall contain the greatest number of such carriages and horses, which the persons from whom such lists are required, shall have at any time kept and used, between the fifth day of July, 1784, and the fifth day of April, 1785.

If any person, having been assessed under this act in one parish or district, for his or her carriages or horses within the same, shall be again assessed in another parish or district, the commissioners may and are hereby required to alter any assessment of such person so assessed twice, if proof be made, as to the fact of payment, by producing a receipt signed by the collector to whom the same payment shall have been made, or, by other reasonable evidence, to the satisfaction of the said commissioners, or the major part of them.

And the aforesaid proof, as to the fact of the party having been assessed elsewhere, shall be made, either by producing a copy or certificate of the assessment, signed by two or more commissioners of the district for which such assessment shall have been made, or, by other evidence to the satisfaction of the commissioners, or the majority of them.

Every person who shall be called upon by virtue of this act to give such list or lists as aforesaid, shall, when he or she shall give in such list or lists, make a declaration signed by him or her, of the number of such carriages and horses as he or she shall mean to pay for at every other place, specifying the parish or district wherein he or she shall mean to pay for such other carriages and horses; and the said assessors shall enter the declaration at the end of their several assessments, and deliver them to the surveyor for each parish or district, that he may transmit the particulars thereof to the commissioners for managing the affairs of taxes.

In case the lists delivered to the assessors shall be found deficient, they may surcharge the same, and make a true assessment upon every person keeping such carriages or horses within their respective districts, of the real number of carriages or horses kept by every such person, distinguishing every such carriage or horse in manner herein before directed.

Assessors

Assessors shall, from time to time, make and deliver in writing their assessments of the said duties on coaches, carriages, and horses, within the limits for which they act, unto the said commissioners, or any two or more of them, within the space of three calendar months next after the time of their being appointed; and the said commissioners shall, within one calendar month, or as soon after as conveniently may be, set their hands to the said assessments, and to such surcharges as may have been made, either by the assessors, or surveyors, or inspectors, testifying their allowance of the same; and shall likewise appoint two of the persons named or presented in each of such assessments to be collectors, or any other two such persons as the said commissioners shall think able and responsible for the respective divisions for which collectors shall be so presented; and shall forthwith deliver, or cause to be delivered, such assessments, so allowed of, unto the persons by them nominated to be collectors, who are hereby enjoined and required to collect and pay the duties so assessed, and to give acquittances for the same; for whose paying unto the receiver-general, the parish or place for which they are so employed shall be answerable.

Surveyors under the before-mentioned acts may inspect the lists of carriages and horses before they are signed, and amend them, if they shall see just cause for so doing; and if such surveyors discover any omissions after the lists are signed, they are to certify the same in writing, together with an account of every carriage and horse omitted, and its proper description according to the directions aforesaid, by way of surcharge, to any two or more of the said commissioners, in order to have such omission or under-rate rectified in the said assessment; and such commissioners are thereupon to cause the same to be rectified, and the duties levied accordingly.

Where any person liable, under the directions herein-before contained, to deliver such lists or declarations as aforesaid to the assessor or assessors, shall refuse or neglect, within the time herein-before prescribed, to deliver, or cause to be delivered, any such list or declaration, to such assessor or assessors, he or she so refusing or neglecting shall, for every such offence, forfeit the sum of ten pounds.

Where any assessor, surveyor, or inspector, shall make a surcharge upon any person for or in respect of any carriage or horse omitted to be inserted in any such list or declaration as aforesaid, such surcharge shall be made after the rate of double the duty for every carriage or horse so omitted; and the assessor, surveyor, or inspector, so making such surcharge, shall be, and is hereby intitled to, and shall have and receive for his own use, one moiety of the sum charged by every surcharge which shall be justly made upon any such list or declaration.

Inhabitant

25 G. 3. c. 47.

Inhabitant householders shall deliver lists of lodgers who keep carriages or horses liable to the said duties, on a week's notice left by the assessor, &c. containing the christian and surnames of such lodgers and inmates, and also an account of every such carriage, with such description as is herein-before required, and of every horse liable to the said duty, on a penalty of 10*l*.

If any person or persons shall think himself, herself, or themselves over-charged, or over-rated by any assessment, charge, or surcharge, it shall be lawful for him, her, or them, to appeal to the said commissioners; and any two or more of them, shall hear and determine all such appeals, except where it shall appear to the said commissioners that the person appealing shall have omitted to deliver in his or her list or lists, and shall not assign sufficient cause for such omission; in which case it shall be lawful for the said commissioners to dismiss the appeal.

At the time of hearing the appeal, the appellant shall deliver, on oath, a list of the greatest number of carriages and horses kept by him, or her, within the year preceding the fifth day of April in every such year, with such description and explanation, and also such list or declaration as to other districts as is herein-before required; and all such appeals shall be heard and determined on the days to be appointed, and in the manner directed by the several acts herein-before mentioned, with respect to the duties on houses, and windows or lights.

The commissioners shall not make any abatement in the charge, unless it shall appear, on oath, that the appellant is over-rated.

Every person intending to appeal to the said commissioners, shall give at the least ten days' notice thereof to the said surveyor, or to one or more of the assessors of the parish or place wherein such person is rated, of such intention to appeal; and such surveyor and assessors, and appellant, shall have full power and free liberty to be present during all the time of hearing such respective appeals, and of the said commissioners determining the same.

Commissioners may remit the penalty before directed to be paid to the assessor, upon application of such appellant, if they shall be of opinion, that there was any doubt whether the carriage or horse so surcharged was rateable, and was not omitted with any intention to defraud the revenue.

If it shall appear to the commissioners that such surcharge was falsely and vexatiously made, such surveyor, assessor, &c. shall forfeit and incur such penalties and punishments as in and by the said acts relative to the duties on houses, and windows or lights, are directed to be inflicted on surveyors, inspectors, or assessors, for neglect of duty.

All appeals once heard and determined by the said commissioners, or any two or more of them, or the major part of them then

then present, on the day or days by them appointed for hearing of appeals, shall be final, except that if either the said surveyor or inspector, or the person so appealing, shall apprehend the determination made by the said commissioners to be contrary to the true intent and meaning of this act, it shall be lawful to require the said commissioners to state specially, and sign the case upon which the question arose, together with their determination thereupon; and cause the same to be delivered to the party making such request as aforesaid, to be transmitted to one of the justices of the court of king's bench or common pleas, or to one of the barons of the court of exchequer.

And every such justice and baron is hereby required, with all convenient speed, to return an answer to such case so transmitted, with his opinion thereupon subscribed thereto, according to which opinion so certified, the assessment, which shall have been the cause of the appeal, shall be altered or confirmed; and in Scotland, such case shall be transmitted to the court of session.

But the determination of the said commissioners shall stand with respect to the payments which shall become due, precedent to the opinion certified by any such justice, judge, or baron, upon such case.

Every penalty, under this act, of a greater sum than twenty pounds, shall be recovered in any of his Majesty's courts of record at Westminster; or in the court of session, &c. in Scotland, if the matter shall arise in that part of the united kingdoms; and one moiety shall belong to his Majesty, and the other to the person or persons who shall inform and sue for the same.

The assessments which are to be made under the authority of this act, shall be made for all horses whatsoever belonging to any person within the kingdom of Great Britain, which shall, on any occasion, be used for the purpose of riding, or in drawing any carriage now or hereafter subject to any excise duty.

Provided that on proof, on oath, made to the satisfaction of the said commissioners, that such horse, for which any person occupying a farm, not worth more than 150*l.* a year to be let, shall have been so assessed, has been only used for the purpose of riding to and from market, or church, or other place of public worship, and to no other place, or for no other purpose of riding, it shall and may be lawful for the said commissioners, and they are hereby required to make an abatement of the whole duty from the charge against the person to whom such horse shall belong.

In all cases where the pecuniary penalty by this act imposed doth not exceed the sum of twenty pounds, it shall be recoverable before two or more justices, on proof of the offence, either

25 G. 3. c. 47. ther by confession, or by the oath of one or more credible witnesses or witnesses; one moiety of such last mentioned penalty shall be paid to his Majesty, and the other moiety to the informer or informers prosecuting for the same; in case of non-payment, it shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such justices; and the overplus, after deducting the penalty, and the expences of the distress and sale, shall be rendered to the owner; for want of sufficient distress, the offender shall be sent by such justices to the prison of the county, town, or place, for not more than six months, nor less than one, as such justices shall think proper.

All constables and headboroughs, and other officers, are hereby required to be aiding and assisting in the execution of this act.

All actions for any offence against this act, shall be brought within one year after the offence committed; and being brought after the time so limited, shall be void.

Transportation.

Punishment in lieu of transportation.

19 G. 3. c. 74.

PENITENTIARY houses, for confining and employing hard labour, in one of the said houses, such male convicts, and in the other such female convicts, as shall be ordered to imprisonment and hard labour, were, in pursuance of this act, to be erected: but the act expiring in June 1784, it was not judged necessary to trouble the reader with it.

Treason.

2 Haw. 39.
Hale's Pl. 168.
1 H. H. 373.

THOUGH treason and misprision of treason are not within the letter of the commission of the peace, yet inasmuch as they are against the peace of the king and of the realm, any justice of the peace may, either upon his own knowledge, or the complaint of others, cause any person to be apprehended for any such offence.—And such justice may take the examination of the person so apprehended, and the information of all those who can give any material evidence against him, and put the same in writing; and also bind over such as are able to give any such evidence to the king's bench, or gaol delivery; and certify his proceedings to such court.

And

And having committed the offender (for he is by no means bailable by justices of the peace, 3 *Ed. 1. c. 15. 2 Haw. 99.*) it may be adviseable for him to send an account immediately, of all the particulars, to a secretary of state.

The nature of treason which had not been exactly defined before, was ascertained by the 25 *Ed. 3.*—Which act was reinforced by the 1 *Mar.*—So that no offence is now to be esteemed high treason, unless declared to be such by the said statute 25 *Ed. 3.* or by the 1 *Mar.* or by some subsequent statute.

Treasurer.

THE treasurers shall be persons resident in the county or division, and shall be appointed by the justices at their general or quarter-sessions; first giving sufficient security to be accountable for the money which shall be paid to them in pursuance of this act (for levying of county-rates) and to pay such sums as shall be ordered by the justices in sessions, and for the due and faithful execution of the trusts reposed in them. 23 *G. 2. c. 29.*

Turnips, &c. &c. &c.

IF any person shall steal and carry away, or maliciously pull up or destroy, any turnips, potatoes, cabbages, parsnips, pease, or carrots, growing or being in any garden, lands, or grounds, open or enclosed, he shall, on conviction before one justice, by confession or oath of one witness, forfeit such sum, not exceeding 10s. over and above the value of the goods stolen, as to such justice shall seem meet; first making the owner satisfaction for the damage: the sum forfeited to be distributed between the owner of the goods stolen and the overseers of the poor where the offence is committed, or the whole to be given either to the owner of the goods, or to the overseers of the poor, as the justice shall think fit.—And in default of payment, the justice shall commit him to the house of correction, there to be kept to hard labour, not exceeding one month, unless the penalty shall be sooner paid. 23 *G. 3. c. 32.*

Where the conviction shall be on the oath of the owner, the whole of the penalty shall be paid to the overseer for the use of the poor.

And the conviction shall be drawn up to the following effect: *Be it remembered, that on the day of in the year of our Lord A. B. is duly convicted before me C. D. Esquire, one of his majesty's justices of the peace for the county*
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county of [specifying the offence, and the time and place when and where the same was committed, as the case shall be.] *Given under my hand and seal the day and year aforesaid.*

Vagrants.

1. Idle and disorderly persons.

17. c. 4.

IDLE and disorderly persons shall be sent to the house of correction; by the 17 G. 2. c. 5. they are thus described: 1. All persons who threaten to run away, and leave their wives and children to the parish.—2. All persons who shall unlawfully return to the parish or place from whence they have been legally removed, without bringing a certificate.—3. All persons who not having wherewith to maintain themselves, live idle without employment, and refuse to work for the usual and common wages given to other labourers in the like work, in the parishes or places where they are.—4. All persons going about from door to door, or placing themselves in streets, highways, or passages, to beg or gather alms in the parishes or places where they dwell. It shall be lawful for one justice to commit such offenders (on the oath of one witness) to the house of correction, to be kept to hard labour not exceeding one month.—The justice, by warrant under his hand and seal, may order any overseer where such offender shall be apprehended, to pay 5s. to any person in such parish or place so apprehending him, for every offender so apprehended; to be allowed in his accounts, on producing the justice's order, and the person's receipt to whom it was paid; and if the overseer shall neglect or refuse to pay the same, the said justice on oath thereof, may by his warrant order the same to be levied by distress and sale of his goods, (returning the overplus if any to the said overseer) and in such case he shall not be allowed the same in his accounts.

2. Rogues and vagabonds.

17 G. 2. c. 5.

AN infant under the age of seven years, shall not be said to be a rogue and vagabond; but shall be removed to its place of settlement, as other poor persons not vagrants.

All persons going about as patent-gatherers, or gatherers of alms, under pretences of loss by fire, or other casualty.

Persons going about as collectors for prisons, gaols, or hospitals.

Fencers.

Fencers.

Bearwards.

Common players of interludes, or other entertainments of the stage, not being authorized by law.

Minstrels, except those licensed by the lord of Dutton in Cheshire.

Jugglers.

All persons pretending to be gypsies, or wandering in the habit or form of Egyptians.

Or pretending to have skill in physiognomy, palmistry, or like crafty science, or to tell fortunes.

Or using any subtle craft to deceive and impose on any of his Majesty's subjects.

Or playing or betting at any unlawful games or plays.

All persons who run away, and leave their wives or children, whereby they become chargeable to any parish or place.

All petty chapmen, and pedlars, wandering abroad, not being duly licensed, or otherwise authorized by law.

All persons wandering abroad, and lodging in alehouses, barns, outhouses, or in the open air, not giving a good account of themselves.

All persons wandering abroad and begging, pretending to be soldiers, mariners, or seafaring men.—But not soldiers wanting subsistence, having lawful certificates from their officers, or the secretary at war; or mariners or seafaring men licenced by some testimonial or writing under the hand and seal of some justice of the peace, setting down the time and place of their landing or discharge, and the place to which they are to pass, and the names of the chief towns or places through which they are to pass, and limiting the time of their passage.

All persons wandering abroad, pretending to go to work in harvest, without a proper certificate, from their parish.

All other persons wandering abroad and begging; and all persons having any implement for house-breaking, or any offensive weapon with felonious intent—shall be deemed rogues and vagabonds within the meaning of the statute 17 G. 2. c. 5.

3. Incurrible Rogues

ARE all end-gatherers offending against the statute of the 17 G. c. 5. 13 G. being convicted of such offence, viz. the collecting, buying, receiving, or carrying any ends of yarn, wests, thrums, short yarn, or other refuse of cloth, druggert, or other woollen goods.

G g g 2

All

17 G. 2. c. 5.

All persons apprehended as rogues and vagabonds, and having escaped from the persons apprehending them, or refusing to go before a justice, or to be examined on oath before such justice, or refusing to be conveyed by such pass as is herein after directed, or knowingly giving a false account of themselves on such examination, after warning given them of their punishment.

All rogues or vagabonds who shall break or escape out of any house of correction, before the expiration of the term for which they were committed or ordered to be confined by this act.

All persons who after having been punished as rogues and vagabonds, and discharged, shall again commit any of the said offences.

Id.

If any person shall be found offending against this act, the constable shall apprehend him, and convey or cause him to be conveyed to a justice of the peace.—And any other person may apprehend him, and carry him to the constable, or to a justice.

Id.

If any person, not being a constable, shall apprehend any such rogue or vagabond, and shall deliver him to a constable, or convey him to a justice; or if any constable shall so apprehend and convey him, it shall be lawful for such justice to reward him, by making an order under his hand and seal, upon the high constable, to pay 10s. to the person so apprehending him, within one week after demand, and producing such order, and on his giving a receipt for the same: which shall be allowed by the treasurer to such high constable, on passing his accounts, and delivering such order and receipt, and also his own receipt for the same to such treasurer; the treasurer also to be allowed the same in his accounts, on producing the said vouchers; and in towns corporate, and other places, where there are no high constables, such petty constable shall pay or retain such reward, and be allowed the same in his account, on producing the like vouchers.—And if any high constable, or where there is none, such petty constable, shall refuse or neglect to pay such reward on demand, such justice by his warrant* may levy the sum of 20s. by distress and sale.

17 G. 2. c. 5.

If the constable shall refuse or neglect to use his best endeavours to apprehend or convey to some justice such offender; or if any other person, being charged by any justice so to do, shall refuse or neglect to use his best endeavours to apprehend and deliver to the constable, or to carry such offender before some justice, where no constable can be found; he shall, being convicted thereof on view, or oath of one witness, before one justice, forfeit 10s. to the poor, by distress.

Id.

The justices, or two of them, shall four times a year at least, or oftener (if need be) meet in their respective divisions,

* See Appendix, No. 99.

and by their warrant command the constables of every hundred, parish, town, and hamlet, who shall be assisted with sufficient men, to make a general privy search in one night, for the apprehending of rogues and vagabonds; and every justice shall also on receiving information, that rogues and vagabonds are in any place within his jurisdiction, issue his warrant to the constable to search for and apprehend such rogues and vagabonds, and such as they shall find upon such search, they shall cause to be brought before a justice.

Two justices, in case any person apprehended upon a general privy search, or by a special warrant, shall be charged before them with being a rogue and vagabond, or an idle or disorderly person, or with suspicion of felony (although no direct proof be then made thereof) may examine such person on oath, as to his settlement and means of livelihood; and the substance of such examination shall be put in writing, and signed by such person, and by the justices, and be transmitted to the next sessions to be filed; and if such person shall not shew that he has a lawful way of getting his livelihood, or shall not procure some responsible housekeeper to his character, and give security (if required) for his future appearance at some other day to be fixed for that purpose, the justices may commit him to some prison or house of correction, for any time not exceeding six days; and in the mean time order the overseers of the poor to advertize in some public paper a description of his person, and any thing that shall be found on him, or in his custody, and which he shall be suspected not to have come honestly by, and the place of his commitment, and the time and place appointed for his re-examination; and if no accusation shall be then laid against him, he shall be discharged, or otherwise dealt with according to law.

Where any rogues or vagabonds, apprehended by any constable, or such other person as aforesaid, shall be brought before a justice, he shall inform himself by the examination upon oath of the person apprehended, or of any other person, of the condition and circumstances of the person so apprehended, and of the parish or place where he was last legally settled: the substance of which shall be put into writing, and be signed by the person or persons so examined; and the justice shall likewise sign the same, and transmit it to the next sessions, there to be filed and kept on record.

And such justice shall order such person so apprehended, to be publickly whipt by the constable, petty constable, or some other person, to be appointed by such constable, or petty constable, of the parish or place, where such person was apprehended; or shall order him to be sent to the house of correction till the next sessions, or for any less time, as such justice shall think proper.

The

13 & 14 C. 2.
c. 12.

The justices in sessions may transport such rogues, vagabonds, and sturdy beggars, as shall be duly convicted, and adjudged to be incorrigible.

17 G. 2. c. 5.

If the child of any vagrant, above the age of seven years, shall be committed to the house of correction, the justices in sessions, if they see convenient, at any time before such child be discharged, may order such child to be placed out as a servant or apprentice to any person within their jurisdiction, who is willing to take such child, till such child shall be of the age of 21 years, or for a less time: and if any offender, who was found wandering with such child, shall be again found with the same child which was so placed out, he shall be deemed an incorrigible rogue.

11.

Where any vagrants have been committed to the house of correction till the next sessions, if on examination of such persons no place can be found, to which they may be conveyed by a pass, the sessions shall order them to be detained and employed in the house of correction, until they can provide for themselves, or until the justices in sessions can place them in some lawful calling, as servants, apprentices, soldiers, mariners, or otherwise.

11.

After whipping or confinement, the justice may, if he thinks convenient, by a pass, under hand and seal, cause the vagrant to be conveyed to the place of his last legal settlement; but if it cannot be found, then to the place of his birth; or if he be under the age of 14 years, and have any father or mother living, then to the place of the abode of such father or mother, there to be delivered to some churchwarden or overseer.

11.

And the justice shall make a duplicate of the pass and examination, and sign the same: and shall afterwards transmit the duplicate of the pass, annexed to the examination, to the next sessions, there to be filed and kept on record; and shall annex the duplicate of the examination to the pass, and send it with the same; and the said pass, examination, and duplicate thereof, shall and may be read in any court of record as evidence.

11.

And the justice, who shall make the pass, shall with the pass cause likewise to be delivered to the constable a note or certificate ascertaining how they are to be conveyed, by horse, cart, or on foot, and what allowance such constable is to have for conveying them.

11.

And the constable, who shall receive such pass and certificate, shall convey the person according to the direction of the pass, the next direct way to the place where he is ordered to be sent, if it be in the same county, riding, division, corporation, or franchise; if not, he shall deliver the said person to the constable of the first town, parish, or place, in the next county,

county, riding, division, corporation, or franchise; in the direct way to the place whither he is to be conveyed, together with the pass and duplicate of the examination, taking his receipt for the same. And such constable shall without delay apply to some justice in the same county or division, who shall make the like certificate, and deliver it to such constable, who shall with all speed convey such person unto the first parish, town, or place to which he is to be conveyed.—And so from one county or division to another, till they come to the place to which such person is sent.—And the constable, who shall deliver such person to the churchwarden, or other person ordered to receive him, by such pass, shall at the same time deliver the said pass, with the duplicate of the examination, taking their receipt for the same.

The justices in sessions shall limit what rates and allowances, by the mile, or otherwise, shall be made, for conveying or maintaining rogues, vagabonds, or incorrigible rogues; and make such other orders for the more regular proceeding therein, as they shall think proper. 17 G. 2. c. 5.

And if any petty constable shall bring to any high constable such certificate as aforesaid, together with a receipt or note from the constable to whom the person was delivered, the said high constable shall pay the rates ascertained by such certificate, taking the petty constable's receipt.—And if the high constable shall refuse or neglect to pay the same on demand, it shall be lawful for one justice, by his warrant, to levy double the sum by distress. *Id.*

Where the high constable hath not money in his hand sufficient to answer the said expences, the treasurer shall pay the same to such petty constable, on his producing the certificate, and such other vouchers as aforesaid. 26 G. 2. c. 34.

If a petty constable, or governor of any house of correction, shall counterfeit such certificate or receipt, or knowingly permit any alteration to be made therein, he shall forfeit 5*l.*—And if he shall not convey, or cause to be conveyed, such vagrants, or not deliver them to the proper person; or if any constable shall refuse to receive any such person, or to give such receipt, he shall forfeit 20*l.* by distress and sale, by warrant of the justices in sessions, where the offence shall be committed; half to the informer, and half to the treasurer, to be applied by him as part of the public stock; returning the overplus upon demand, charges of distress being first satisfied. 17 G. 2. c. 5.

The parish or place to which any rogue, vagabond, or incorrigible rogue shall be conveyed, shall employ in work or place in some workhouse or almshouse, the person so conveyed, until he shall betake himself to some service or other employment: and if he shall refuse to work, or not betake himself to some service or other employment, the overseers may cause him

him to be carried to some justice to be sent to the house of correction, there to be kept to hard labour.

17 G. 2. c. 5.

But if the churchwarden or other person, who shall receive any person so sent, shall think the examination to be false, he may carry the person so sent before a justice, who, if he see cause, may commit such person to the house of correction till the next sessions; and the justices there, if they see cause, may deal with such person as an incorrigible rogue; but the person so sent shall not be removed from the place to which he is sent, but by order of two justices, in the same manner as other poor persons are removed to the place of their settlement.

11.

Lunatick vagrants may be apprehended, and kept safely locked up in some secure place within the county, or precinct, as two justices shall appoint; and all charges shall be paid by the parish, township, or place, to which such person belongs, by order of two justices, directed to the churchwardens and overseers for that purpose.

12.

If any person shall knowingly permit any rogue, vagabond, or incorrigible rogue, to lodge or take shelter in his house, barn, or other outhouse or building, and shall not apprehend and carry him before a justice, or give notice to the constable so to do; and shall be convicted thereof by confession, or oath of one witness, before one justice, he shall forfeit not exceeding 40s. nor less than 10s. half to the informer, and half to the poor, by distress and sale; and if any charge shall be brought on any parish or place, by means of such offence, the same shall be answered to the said parish or place by such offender, and be levied by distress and sale of his goods as aforesaid: and if sufficient distress cannot be found, such offender shall be committed to the house of correction by the justice, for any time not exceeding one month.

14.

Where any vagrant woman shall be delivered of a child or children, and become chargeable, the churchwardens or overseers may detain such woman in their custody until they can safely convey her to a justice; who shall examine her, and commit her to the house of correction until the next sessions; who may, if they see convenient, order her to be publicly whipped, and detained in the house of correction for any further time not exceeding six months.—And upon application by the churchwardens and overseers of the place where she was so delivered, the justices at such sessions shall order the treasurer to pay them such a sum, as shall be adjudged a reasonable satisfaction for the charges such place has been put to on such woman's account.—And if such woman shall be detained and conveyed to a justice as aforesaid, the child of which she is delivered, if a bastard, shall not be settled in the place where so born, nor be sent thither for want of other settlement, by a

pass,

pass, by virtue of this act; but the settlement of such woman shall be deemed the settlement of such child.

And that it may appear, that the overseers have done what was incumbent upon them, in order to avoid such settlement, it is requisite for the justice (as he ought to do in all other cases wherein he acteth as judge) to make a record of the whole proceedings before him; which record (as it seemeth) will be the proper evidence in such case, if the settlement shall afterwards be contested. *Burn, Art. Vagrant.*

If any constable, or other officer, shall be defective in his duty, in any case for which no punishment is herein before particularly provided; or if any person shall hinder the execution of this act, and shall be thereof convicted, on oath of one witness, before one justice, he shall forfeit not exceeding 5*l.* nor under 10*s.* to the poor by distress; and, if sufficient distress cannot be found, shall be committed to the house of correction to be kept to hard labour, not exceeding two months. *17 G. 2. c. 5.*

To defray the expences of apprehending, conveying, and maintaining rogues, vagabonds, and incorrigible rogues, and defraying all other expences necessary for the execution of this act, not herein before provided for, the justices in sessions may cause such sums as shall be necessary, to be raised in the same manner as the general county rate. *12.*

Any person aggrieved by the act of any justice out of sessions, in or concerning the execution of this act, may appeal to the next general or quarter sessions of the county, riding, liberty, or division, giving reasonable notice thereof; whose order thereupon shall be final. *12.*

This act, after a recital of 6 G. 1, c. 19, empowers justices to commit those vagrants, and other persons charged with small offences, either to the common gaol, or to any house of correction, within their respective jurisdictions, as to such justices shall seem most proper, whom by any law now in force, or hereafter to be made, they are, or shall be authorized to commit to the common gaol. *17 G. 3. c. 12.*

Warrant.

IF a justice see a felony or other breach of the peace committed in his presence, he may in his own person apprehend the felon; and so he may by word command any person to apprehend him, and such command is a good warrant without writing: but if the same be done in his absence, then he must issue his warrant in writing. *2 H. H. 86.*

There seems to be no doubt, but that a warrant may be lawfully granted by any justice, for treason, felony, or praemunire. *2 How. ;*

nire, or any other offence against the peace: Also it seems clear, that wherever a statute gives to any one justice a jurisdiction over any offence, or a power to require any person to do a certain thing ordained by such statute, it by implication gives a power to every such justice to make out a warrant to bring before him any person accused of such offence, or compellable to do the thing ordained by such statute; for it cannot but be intended, that a statute giving a person jurisdiction over an offence, doth mean also to give him the power incident to all courts of compelling the party to come before him.

Burn, in locum.

But in cases where the king is no party, or where no corporal punishment is appointed, as in cases for servants' wages, and the like, it seemeth that a summons is the more proper process: and for default of appearance the justice may proceed; and so indeed oftentimes it is directed by special statutes.

1 H. H. 582.

2 H. H. 111.

It is convenient, though not always necessary, that the party who demands the warrant be first examined on oath, touching the whole matter whereupon the warrant is demanded, and that examination put in writing.

Dalt. c. 169.

Or at least it is safe to bind him over to give evidence; left afterwards when the offender shall be apprehended, or shall surrender himself, the party that procured the warrant be gone.

1 H. H. 107.

2 H. H. 80.

A justice hath power to issue a warrant to apprehend a person suspected of felony.—For the justices are judges of the reasonableness of the suspicion, and when they have examined the party accusing, touching the reasons of his suspicion, if they find the causes of suspicion to be reasonable, it is now become the justices' suspicion as well as his.

2 Harw. 85.

Yet inasmuch as justices claim this power rather by connivance, than any express warrant of law, and since the undue execution of it may prove so highly prejudicial to the reputation as well as the liberty of the party, a justice cannot well be too tender in his proceedings of this kind, and seems to be punishable not only at the suit of the king, but also of the party grieved, if he grant any such warrant, without such probable cause as might induce a candid and impartial man to suspect the party to be guilty.

Id.

It is safe, but perhaps not necessary, in the body of the warrant to shew the place where it was made; yet it seems necessary to set forth the county, in the margin at least, if it be not set forth in the body.

Id.

It may be directed to the sheriff, bailiff, constable, or to any indifferent person by name who is no officer; for the justice may authorize any one to be his officer, whom he pleases to make such; yet it is most adviseable to direct it to the constable of the precinct wherein it is to be executed, for that no other

other constable, and *a fortiori* no private person is compellable to serve it.

In the case of an act of parliament, if the act directeth that a justice shall grant a warrant, and doth not say to whom it shall be directed, by consequence of law it must be directed to the constable, and it cannot be directed to the sheriff, unless such power is given in the act.

L. Raym. 1192.
2 Saik. 381.

The warrant, especially if it be for the peace or good behaviour, or the like, where sureties are to be found or required, ought to contain the special cause and matter whereupon it is granted, to the intent the party upon whom it is to be served may provide his sureties, and take them with him to the justice to be bound for him; but if the warrant be for treason, murder, or felony, or other capital offence, the warrant of the justice may be to bring the party before him, to make answer to such things or matters generally, as shall be objected against him on the king's behalf.

Dalt. c. 169.
2 H. 85.
2 H. H. 111.

The warrant may issue to bring the party before the justice who granted the warrant *specially*, and then the officer is bound to bring him before *the same* justice; but if the warrant be to bring him before *any* justice, then it is in the election of the officer to bring him before what justice of the county he (the officer) thinks fit, and not in the election of the prisoner.

1 H. H. 582.
2 H. H. 112.

Finally, it ought to be under the hand and seal of the justice who makes it out.

2 Hawk. 85.

If any person, against whom a warrant shall be issued, shall escape out of the jurisdiction of the justice granting the warrant; any justice for the county or place, where such person shall so escape or be, upon proof on oath of the handwriting of the justice granting such warrant, shall indorse his name thereon; which shall be a sufficient authority to the person bringing such warrant, and to all other persons to whom the same was originally directed, to execute the same in such other county or place; and to carry the offender before the justice who indorsed the warrant, or some other justice or justices of that county, if the offence be bailable, and the offender be ready to give bail for his appearance at the next assizes or sessions for the county or place where the offence was committed; and such justice or justices shall take bail accordingly, and shall deliver the recognizance together with the examination or confession of the offender, and all other proceedings relating thereto, to the constable or other person, who shall (on pain of 10*l.* to him who shall sue) deliver over the same to the clerk of assize, or clerk of the peace, where the offender is required to appear.—And if the offence is not bailable, or he shall not give bail to the satisfaction of the justice before whom he is brought, the constable or other person shall carry the offender before a justice of the proper county or place where the offence was committed, there to be dealt with according to law.

24 G. 2. c. 55.

The form of which indorsement may be thus

FORASMUCH as proof upon oath hath been made before me one of his Majesty's justices of the peace for the county of that the name A. B. is of the hand-writing of the justice of the peace within mentioned: I do hereby authorize C. D. who bringeth me this warrant, and all other persons to whom the said warrant is directed, to execute the same within the said county of . Given under my hand, the day of in the year

Burn, in locum.

And the justice may further order (if he thinks fit) the party, according as he shall appearailable or notailable upon the face of the warrant, to be brought before himself or some other justice or justices of that county, or to be carried back into the county from whence the warrant did issue.

Watch and Ward.

Dalt. c. 104.

WATCHING is properly intended of the night, and warding for the day time: and both ought to be by men able of body, and sufficiently weaponed.

Dalt. c. 159.

If a watchman take any for suspicion of felony, he may deliver such persons to the constable, or may convey them to a justice, to be examined, and to be bound over or committed until they be acquitted in due manner.

5 An. c. 31.

If a watchman be killed in endeavouring to apprehend a burglar, his executors shall be entitled to 40*l.* reward.

Weights and Measures.

8 H. 6. c. 5.

11 H. 7. c. 4.

A STANDARD of weights and measures is to be kept in market towns, at which balance all the inhabitants may freely weigh without paying any thing; and justices of the peace, mayors, bailiffs, and stewards of franchises may enquire of offenders against this ordinance, and do execution of them that be found faulty.

The mayors, and other head officers in market towns, shall twice a year or oftner cause all weights and measures within the same, to be brought before them, and examined; and such as they find defective, to be broken and burnt; and the offender shall forfeit to the mayor or other officer, for the first time,

Weights and Measures.

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time, 6s. 8d. for the second time, 13s. 4d. and for the third time 20s. and be set on the pillory.

And whosoever shall sell by any other weight, measure, or yard, not according to the standard, or keep any such whereby any thing is bought or sold, shall forfeit 5s. on conviction before one justice, or mayor, on oath of one witness; to be levied by the churchwardens and overseers, or some of them, to the use of the poor, by distress.—In default of distress, imprisonment till paid.

But after all, Dr. Burn observes, notwithstanding the punishments aforesaid, appointed by statute, for selling by false weights and measures; yet the same is also an offence at the common law, and consequently may be punished by indictment, fine, and imprisonment.

Windows.

THOUGH in the execution of this act, a justice of the peace as such is not concerned, yet it may not be amiss to point out a few particulars which may often come under his cognizance as a commissioner appointed to act under it.

By this act from Sept. 15, 1784, all duties on tea shall cease; but a duty of 12l. 10s. per cent. shall be paid for all tea delivered by the company to the purchasers thereof; to be computed upon the gross prices at which such tea shall be sold.

By this act also, from Oct. 10, 1784, the following additional duties shall be paid for all inhabited houses in Great Britain.

	l.	s.	d.
For every dwelling house hitherto rated at 3s.			
in future	0	6	0
Having 7 windows an addition of	0	6	0
8 ditto	0	8	0
9 ditto	0	10	6
10 ditto	0	13	0
11 ditto	0	15	6
12 ditto	0	18	0
13 ditto	1	1	0
14 ditto	1	5	0
15 ditto	1	10	0
16 ditto	1	15	0
17 ditto	2	0	0
18 ditto	2	5	0
19 ditto	2	10	0
20 ditto	2	15	0
21 ditto	3	0	0
Having			

Windows.

Having 22 ditto	3	5	0
23 ditto	3	10	0
24 ditto	3	15	0
25 to 29 windows ditto	4	0	0
30 — 34 ditto	4	10	0
35 — 39 ditto	5	0	0
40 — 44 ditto	5	10	0
45 — 49 ditto	6	0	0
50 — 54 ditto	6	10	0
55 — 59 ditto	7	0	0
60 — 64 ditto	7	10	0
65 — 69 ditto	8	0	0
70 — 74 ditto	8	10	0
75 — 79 ditto	9	0	0
80 — 84 ditto	9	10	0
85 — 89 ditto	10	0	0
90 — 94 ditto	10	10	0
95 — 99 ditto	11	0	0
100 — 109 ditto	12	0	0
110 — 119 ditto	13	0	0
120 — 129 ditto	14	0	0
130 — 139 ditto	15	0	0
140 — 149 ditto	16	0	0
150 — 159 ditto	17	0	0
160 — 169 ditto	18	0	0
170 — 179 ditto	19	0	0
180 and upwards	20	0	0

N. B. If the number of windows exceeds 25, the *old tax* is after the rate of 2s. per window, let the number be what it may. But the *new tax* stops at 180; twenty pounds being the utmost sum chargeable by 24 G. 3. c. 38.

24 G. 3. *seff.* 2. Any person occupying more than two houses, is liable to
c. 38. pay only for those two, which have the greatest number of windows; of which, if charged to any other, he shall deliver in to the collector a declaration in writing; to be by him delivered over to the surveyor of the district.—Any person not paying for such two houses, forfeits 50l.

II. All the above rates and duties are charged in addition to those charged by 6 G. 3. c. 38. and 19 G. 3. c. 59. being both for granting duties upon houses, &c.

II. The assessments are to be made for raising these duties from Oct. 10, 1784, to April 5, 1785, to be certified by the assessors, and returned to the commissioners on or before Dec. 3, 1784.—And the surveyors shall certify their surcharges for raising the said duties for the said two quarters to the said commissioners, on or before Feb. 20, 1785.—And all appeals shall and may be heard and determined between March 6, 1785, and April 4, 1785. And from and after the 5th day of April, 1785, the duties shall be annually assessed for one whole year.

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The said duties shall be paid quarterly in England on the ^{24 G. 3. sess. 2.} four usual quarterly days of payment, viz. Jan. 6, April 5, ^{c. 33.} July 5, Oct. 10. The first to be on Jan. 5, 1785.—In Scotland, on or before March 25, and on or before Sept. 29.

The said duties are to be charged on the occupier, not on *Id.* the landlord: and such as are exempted from the actual payment of church and poor rates shall not be liable to this duty.

The monies arising from this act are to be paid into the Exchequer by the receiver-general of the customs; and if there is any surplus in one quarter above 87,136l. 16s. 8d. $\frac{1}{4}$ it shall be paid to the receiver-general of excise.

Commissioners and assessors under former acts relating to the *Id.* duties on houses and windows, shall be commissioners and assessors for executing this act, and shall meet on or before Oct. 11, 1784; or if not then, they may meet and execute this act at any other time.

If no assessors shall be appointed, surveyors may do their *Id.* duty; who twice a year are to make a surcharge of houses omitted or undercharged.

Where houses are let in different tenements, the landlord *Id.* shall be deemed the occupier.

Every chamber or apartment in the inns of court shall be *Id.* subject to these duties, as if it were an entire house.

Houses occupied by the Royal Family, warehouses, hospitals, charity schools, houses for the poor, except the apartments occupied by the officers or house servants thereof, are exempt from the said duties. *Id.*

No person is to gain a settlement by payment of these rates. *Id.*

All houses shall be deemed uninhabited, unless they shall *Id.* be inhabited by the owner, servants, or tenants.

Commissioners are not to act till they have taken the oaths *Id.* of office, and of allegiance, on pain of forfeiting 200l. and in Scotland on penalty of 20l.—For the assessors' and commissioners' oath see the oaths of office, at the end.

The qualification of commissioners within the city of London, St. Martin le Grand, and the city and liberty of Westminster, shall be 2000l. at least. *Id.*

Every person intending to appeal shall give ten days' notice *Id.* to the assessors; and the determination of the commissioners shall be final.

All constables, headboroughs, tythingmen, and other his *Id.* Majesty's officers shall be aiding and assisting in the execution of this act, and in executing such precepts and warrants as shall be directed to them by any three or more commissioners.

Witnesses.

Witnesses.

27 G. 3. c. 29.

FROM Aug. 1, 1787, the inhabitants shall be deemed and taken to be competent witnesses for the purpose of proving the commission of any offence within the limits of any parish, township, or place, notwithstanding the penalty incurred by such offence, or any part thereof, is or may be given or applicable to the poor of such parish, township, or place, or otherwise, for the benefit or use, or in aid or exoneration of such parish, township, or place, provided the penalty or penalties to be recovered do not exceed the sum of twenty pounds.

Women.

18 El. c. 7.

IF any person shall unlawfully and carnally know and abuse any woman child under the age of ten years, he shall be guilty of felony without benefit of clergy.

26 G. 2. c. 33.

The marriage of any person under the age of 21, without the consent of parents or guardians, shall be null and void.

3 Haw. 144.

The judgment against a woman, in case of high treason, is not the same as against a man traitor, to be hanged, cut down alive, have the bowels taken out, and the body quartered; but to be drawn to the place of execution, and there burned: and this also is the judgment against a woman, in case of petit treason; whereas the judgment against a man for petit treason, is, that he shall be hanged: but in case of felony, the judgment is the same against both man and woman, to be hanged by the neck till dead.

Wood.

43 El. c. 7.

EVERY person, who shall rob any orchards or gardens; or break or cut any hedge, pales, rails, or fence; or dig, or pull up, or take up any fruit tree or trees in any orchard, garden, or elsewhere; or shall cut or spoil any woods or underwoods, poles, or trees standing; every such person, his procurers and receivers, knowing the same, being thereof convicted by confession, or oath of one witness, before one justice, shall give to the party such recompence, and within such time, as the said justice shall appoint; and the same to be

be only for the first fault: and if such offender shall be thought by the justice not able, or do not make such recompence, then he shall commit him to the constable where the offence shall be committed, or the party to be apprehended, to be whipped.

The constable may apprehend, or cause to be apprehended, ^{15 C. 2. c. 2.} every person he shall suspect, having or carrying any burden of any kind of wood; and by warrant of one justice, such officer shall have power to enter into and search* the houses, or other places belonging to the houses of every person he shall suspect to have any kind of wood, and where he shall find any such, to apprehend the persons suspected of cutting and taking the same: and to carry before one justice as well those apprehended carrying, as those in whose houses or other places the same shall be found.—And if such person do not then and there give a good account how he came by the same, he shall be convicted of cutting and spoiling the same, and punished as by the act 43 *El.* and further by this act is appointed, *i. e.* He shall for the first offence give the owner such recompence or satisfaction for damages, and within such time, as the justice shall appoint; and over and above pay down presently to the overseers for the use of the poor, such sum† not exceeding 10s. as the justice shall think meet; and if he do not make such recompence, and also pay the said sum to the poor, the said justice shall commit him to the house of correction for any time not exceeding one month, or he shall be whipped by the constable.—And if he shall again commit the said offence, and be thereof convicted as before, he shall be sent to the house of correction for one month, and be there kept to hard labour.—And if he shall again commit the said offence, and be thereof convicted as before, he shall be deemed an incorrigible rogue. *Id.*

But no person shall be punished by this act, unless he be questioned in six weeks after the offence committed.

Whosoever shall buy any burdens of wood, which may be justly suspected to have been stolen, on justice, one complaint in six weeks, may examine the matter on oath; and may award the party who bought the same to pay treble value to him from whom it was unlawfully taken; and in default of present payment, may issue his warrant to levy the same by distress, and in default of distress, may commit the party to gaol at his own charge, there to remain one month without bail.

If any offender shall wrongfully and maliciously cut down, ^{1 G. 2. c. 48.} destroy, deface, spoil, or carry away, any wood, or under- ^{6 G. c. 16.} wood; or throw down any hedges, gates, or inclosures of woods, fruit trees, or other trees; two justices, or the justices in sessions, on complaint made by any inhabitant of such pa-

* See Appendix, No. 102.

† See Appendix, No. 103.

‡ See Appendix, No. 104.

rish or place, or by the owner of the wood, or by any other, may cause the offender to be apprehended, and hear and determine the offence; and on conviction, shall commit the offender to the house of correction to hard labour for three months, and where there is no house of correction, then to the county prison for four months; and shall also order the offender to be publickly whipped by the master of such house of correction once every month, during such three months, in the borough or corporation in which the fact was committed, or in the market town where such house of correction stands, or in the market town next adjacent to such house of correction in the same county, on the market day, between the hours of eleven and two.—And where there is no house of correction, the said justices shall order him to be whipped by the common hangman once a month, during such four months, on the market day of such borough, or on the market day of some town, between the hours of eleven and two.—And before he shall be discharged, he shall find sufficient sureties for his good behaviour for two years.

29 G. 2. c. 36.

If any person shall unlawfully cut, take, destroy, break, throw down, deface, spoil, or carry away, any tree growing in any waste, wood, or pasture, in which any person hath right of common, he shall be in like manner convicted, and incur the like penalty, as by the 1 G. 2. c. 48.

6 G. 3. c. 48.

Every person who shall wilfully cut or break down, lop, top, or otherwise deface, damage, spoil, or destroy, or carry away any timber tree or trees, or trees likely to become timber, or any part thereof, or the lops or tops thereof, without the consent of the owner, (or in any of his majesty's forests or chases, without the consent of the surveyor or his deputy) and shall be thereof convicted, on the oath of one witness before one justice, shall, for the first offence, forfeit not exceeding 20*l.* together with the charges of conviction, to be ascertained by such justice; on non-payment thereof, to be committed by such justice to the common gaol, for any time not exceeding twelve months, nor less than six, or until the penalty and charges shall be paid: for the second offence, to forfeit not exceeding 30*l.* together with the charges as aforesaid; on non-payment, to be committed as aforesaid for any time not exceeding eighteen months, nor less than twelve, or until the penalty and charges shall be paid: and if any person shall be guilty of a like offence a third time, and shall be thereof convicted, he shall be deemed guilty of felony, and the court before whom he shall be tried shall have authority to transport him for seven years. And all oak, beech, chesnut, walnut, ash, elm, cedar, fir, asp, lime, sycamore, and birch trees (and also poplar, alder, larch, maple, and hornbeam) shall be deemed timber trees within the meaning of this act.

73 G. 3. c. 33.

Every

[or the ninth year] of the reign of his majesty king George the third,
for (as the case shall be).

Given under hand and seal, the day and year above written.

The which conviction shall be certified to the next sessions, there to be filed amongst the records.

22 & 23 C. 2.
c. 7.

If any person shall in the night-time maliciously destroy any plantations of trees, or throw down any inclosures; he shall forfeit to the party grieved, treble damages: and three justices (1 Q.) may enquire thereof, in six months, as well by a jury, as by examination of witnesses on oath, or by any lawful ways, which to them shall seem meet.

6 G. 3. c. 36.

Every person who shall, in the night time, lop, top, burn, or otherwise spoil, or carry away any oak, beech, or other tree, standing for timber, or likely to become timber, without the consent of the owner thereof; or shall, in the night time, pluck up, break, spoil, or destroy, any root, shrub, or plant, of the value of 5s. growing in the garden-ground, nursery, or other inclosed ground of any person; or shall be aiding or assisting therein; or shall buy or receive such root, shrub, or plant, knowing the same to be stolen; shall be guilty of felony, and transported for seven years.

1 G. 3. c. 48.

If any person shall maliciously set on fire any wood, coppice, or any part thereof; he shall be guilty of felony.

See also Black Act, 9 G. c. 22.

29 G. 2. c. 36.

Where the inhabitants of any parish or township shall be willing to acquire a right of inclosure of wastes for the employment and benefit of their poor, they may (by the consent and direction of the major part of the inhabitants assembled at a vestry or publick meeting to be held for that purpose, publick notice thereof in the church being first given on three Sundays before) pay the recompence for the same, and the charges of inclosing and preserving such grounds out of the poor rate; and shall apply the profit from the sale of such timber or underwood, towards the relief of the poor.

Burn.

Note, here is no allowance for the charges of planting.

29 G. 2. c. 36.

The agreement for such inclosure shall be in writing, and signed by the parties, and within three months after the execution thereof be enrolled by the clerk of the peace where the greater part of such wastes, woods, or pastures shall lie.

Id.

Persons aggrieved by such agreement may within six months after the enrollment appeal to the sessions, whose determination shall be final.

4 G. 3. c. 31.

It shall be lawful for every surveyor of his majesty's woods, and his lawful deputy, besides the penalties for destroying the trees or underwood, to seize and take away for his own use, any saw, ax, hatchet, billhook, or other instrument, used by any person whom they shall find unlawfully stocking up, sawing,

ing, cutting down, topping, lopping, or destroying, any timber tree, or other tree, underwood, or covert, within such forest or chase.

No person shall carry any wood out of the realm without lawful authority so to do, on pain that the owner of the ship shall forfeit the ship and tackle; the owner of the wood, double value of the wood; and the master and mariners all their goods, and be imprisoned for a year. 1 G. 3. P. & M. c. 5.

And if any person shall obtain a royal licence to transport wood, and shall carry more than is contained in his licence; he shall forfeit treble value, and be imprisoned for a year. 12.

The said forfeitures to be half to the king, and half to him that shall sue in any court of record; moreover, all and singular the justices of the peace, within three years after any offence committed, may hear and determine the same by a jury. 14.

Wool Combing in Suffolk.

BY this act, which is almost a literal copy of an act of 17 G. 3. c. 11. for Yorkshire, Lancashire, and Cheshire, the manufacturers of combing wool, &c. in the county of Suffolk are required to hold a general meeting on the second Tuesday in August after passing this act, at Stow-Market in the said county, notice being given in the papers, and there having chosen a chairman, shall appoint a committee of 15 persons; who are hereby authorized to nominate and recommend two or more proper persons to be licensed by the justices for the county of Suffolk at their quarter-sessions, to be inspectors of worsted yarn within the said county.—And the justices are hereby empowered to license and appoint such persons of good character in the said county, as shall be recommended by the said committee, or any five of them. 24 G. 3. sess. 2. c. 3.

The inspectors may be stationed, with proper salaries, where the committee, or any five of them, shall think proper, and may be displaced, or dismissed, as the said committee shall think proper. 1d.

The inspectors are to use diligence to bring offenders to punishment, by lodging informations against such offenders, before the proper justice or justices of the peace, and prosecuting them to conviction. To this end, they may demand entrance into the house or shop of any person employed to put out wool to be spun within the said county of Suffolk; and any person refusing such admittance, shall forfeit not more than 10l. nor less than 5l. as such justice or justices shall think proper. 1d.

If any person employed in combing wool, or in spinning, reeling, winding, or weaving worsted yarn in the county of Suffolk, shall be convicted before any one or more justice of justices

Wool Combing in Suffolk.

tices for the said county, upon the oath of the owner of the yarn or wool, or of the inspector or inspectors, or any one credible witness, of false reeling the said worsted yarn, &c. such offender shall be subject to the penalties of former acts, so far as they are unrepealed, and the penalties shall be distributed by the constable in the presence and under the direction of the said inspector, amongst the poor of the parish where such offence was committed.

24 G. 3. sess. 2.
c. 3.

Any agent refusing to discover persons guilty of reeling false yarn, being lawfully convicted of such refusal before any justice or justices of the peace, shall forfeit 5s. for every pound so falsely reeled, that shall be found in his, her, or their custody. The goods of the husband (his wife so offending) shall be liable to distress and sale.

Id. Upon the death or removal of inspectors, the justices in their sessions for Suffolk may appoint others, with equal powers.

Id. If any inspector shall screen an offender from justice, it may be lawful for a justice or justices to commit such inspector to the house of correction, or other public prison, for the space of one month.

Id. The justice or justices shall cause the conviction to be made out in manner and form following:

*Be it remembered, that on the day of in the
year of our Lord A. B. is convicted before me [or us]
of his Majesty's justices of the peace for [specifying the of-
fence, and the place, and that it was the first, second, or third
offence against this act]. Given under my hand and seal [or our
hands and seals] the day and year aforesaid.*

Persons aggrieved may appeal to the quarter-sessions.

Woollen Manufacture.

9 & 10 W. 3.
c. 40.
19 G. 2. c. 34.

IF any officer in seizing wool, or endeavouring to apprehend offenders, be beaten or killed, or the wool seized be rescued, the hundred shall answer damages, as in cases of robbery, not exceeding 40l. for any beating, nor 200l. for loss of the wool; and shall pay 100l. to the executor or administrator of such person killed: provided that notice of the offence be given to, or left at the house of, some constable near the place, as speedily as conveniently may be, describing the offender, time, and place; and also in four days, to two inhabitants near; and in eight days, oath be made before a justice, whether the party knows the offender, and if he does, entering into recognizance to prosecute; and in 20 days, like notice be given in the Gazette;

zette; and 100l. bond, with two sureties, be given before the sheriff, to the high constable, to pay costs, if cast; and provided that an offender is not convicted in six months; and that the action be commenced within a year.

And if any person shall be maimed or grievously wounded in apprehending such offender, he shall have moreover a further reward of 50l. to be paid by the commissioners of the customs or excise.

And the executors or administrators of such person killed, shall have from them 100l. over and above what is paid by the hundred.

For the better discovery of the deceitful working of woollen cloth, two justices, on information of any one of his knowledge or suspicion of such offence, may grant their warrant to call before them any person that shall be thought fit to discover any such offence, and examine that person on oath; and if it be found, by two witnesses, or confession, they shall certify the same under their hands and seals to the churchwardens and overseers; who shall, upon such certificate, and by warrant of such justices, levy the penalty by distress; in default of distress, the offender to be committed to gaol till paid. 21 Y. c. 13.

Every fuller, deceitfully impairing the cloth, shall yield to the party grieved double damage: and every justice of the peace, mayor, master, warden, bailiff, portreeve, constable of hundred, and steward of leet in their respective liberties, may hear and determine the same, and commit the offender to the next gaol till payment. 4 Ed. 4. c. 1.

In every parish and hamlet where cloths are made, two justices (and in corporations, the mayor, together with one justice of the shire next adjoining) shall once a year, or oftner, call before them, by precept or otherwise, two, four, six, eight, or more, of the most honest, discreet, and able men of such place, and appoint them overseers for a year, or six months, or shorter time; and shall take them sworn, and bound in recognizance of 40l. each, to do their best endeavour by all lawful ways and means to see the statutes observed relating to the regulation of cloth. 43 El. c. 10.

And any person, without reasonable excuse, refusing to be overseer, shall forfeit 5l. half to the king, and half to such justices; and to remain in ward of the sheriff, till paid or secured. 39 El. c. 20.

And if any shall withhold cloth, or deny search; he shall, on conviction thereof at the sessions, forfeit for the first offence 10l. for the second 20l. for the third, being convicted by verdict and two witnesses, he shall stand upon the pillory in the next market town. 11.

Which said forfeitures shall be, one third to the overseers, one third to the king, and one third to the poor, as the sessions shall appoint. 11.

If

23 G. 3. c. 15.

If the company of dyers, and the several persons authorized to act in the appointment of searchers, or any three or more of such persons, shall refuse or neglect to appoint and continue a proper number of persons to be searchers, to examine all or any woollen cloths, &c. dyed black or blue, any two persons using or exercising the trade of a dyer of woollen goods may apply to the justices, at any general quarter sessions of the peace to be holden within the city of London, and within the distance of ten miles from the said city, and make complaint of such refusal or neglect; and it shall be lawful for the justices at such sessions to make enquiry touching the matter of such complaint; and if it shall appear to them that a proper number of searchers for the purpose aforesaid shall not be appointed, the said justices shall, and are hereby authorized and empowered to appoint such person or persons as they shall judge necessary to be a searcher or searchers of woollen goods within the limits aforesaid.

And, in order to prevent the like frauds and abuses in the dying of woollen goods within such places as are not within the limits aforesaid, the justices of the peace, at their general or quarter sessions shall, and are hereby required from time to time to appoint such person or persons as they shall respectively think proper to be a searcher or searchers within their respective jurisdictions.

Provided, that no person shall be capable of acting as a searcher in the execution of this act, until he shall have taken and subscribed an oath to the effect following:

I do swear, that I will faithfully, impartially, and honestly execute and perform the trust reposed in me as a searcher, by virtue of an act of parliament, made in the twenty-third year of the reign of his majesty King George the Third, for rendering more effectual the provisions contained in an act of the 13th year of King George the First, "for preventing frauds and abuses in the dying trade."

Which oath the persons by whom he shall be appointed, or any one of them, are or is hereby empowered to administer.

11.

All penalties and forfeitures for offences against this act, where the same shall exceed the sum of five pounds, shall or may be recovered, by action of debt, or information, in any of his majesty's courts of record at Westminster, and all penalties, where the same shall not exceed the sum of five pounds, shall, upon proof of the offences respectively before any justice of the peace for the county, city, town, or place, where the offence shall be committed, either by the confession of the party, or by the oath of one or more credible witness or witnesses, (which oath such justice is hereby empowered to administer) be levied and recovered by distress and sale of the goods and chattels of the party offending, by warrant under the hand and seal of such justice,

tice, directed to any constable, or other peace officer, within the jurisdiction of such justice; and the overplus shall be returned, upon demand, to the owner of such goods and chattels; and in case sufficient distress cannot be found, such justice shall, and is hereby authorized and required to cause the offender or offenders to be committed to the house of correction, there to be kept to hard labour for such time as such justice shall think fit, not exceeding three months: and one moiety of all penalties and forfeitures which shall be recovered, by virtue of this act, from any person or persons residing within the city of London, or within the distance of ten miles of the said city, shall go and be paid to the informer or informers, and the other moiety shall be applied and disposed of in such manner as shall from time to time be directed by the persons attending any meetings to be holden for the appointment of searchers within the city of London, and within ten miles of the said city, as aforesaid; and the whole of all other penalties and forfeitures which shall be recovered by virtue of this act, shall go and be paid to the informer or informers, and prosecutor or prosecutors.

All prosecutions for offences against this act shall be commenced within forty days next after the offences shall be committed or discovered, and not afterwards: if any person shall think him or herself aggrieved by the judgment or order of any justice of the peace, touching the conviction for any offence against this act, such person may appeal to the justices of the peace at the next general quarter-sessions; and the judgment and determination of the justices at such general quarter sessions shall be final; and the said justices are hereby empowered, upon such appeal, to allow such reasonable costs and charges to either party as they shall think just; the same to be levied and paid in such manner as is usual in other cases of appeal from orders of any justices of the peace to the general quarter-sessions. 23 G. 3. c. 15.

If any person shall feloniously cut and take, steal, or carry away, any cloth or other woollen manufacture from the rack or tenters in the night time, he shall be guilty of felony without benefit of clergy. 22 C. 1. c. 5.

If any cloth or woollen goods on the tenters, or woollen yarn or wool left out to dry, shall be stolen in the night, any justice on complaint made in ten days by the owner, may issue his warrant to any peace officer, in the day-time, to search the houses, or other places belonging to every person, whom such owner shall upon his oath declare to such justice he suspects to have stolen, taken away, or received the same; and the officer shall apprehend the person in whose custody or possession the same shall be found, and carry him before a justice; and if he shall not give a satisfactory account how he came by the same, he shall for the first offence forfeit to the owner treble value, and in default of payment thereof in the time appointed by such justice, he shall 15 G. 2. c. 27.

issue his warrant to levy the same by distress and sale; and in default of distress, shall commit him to the common gaol where he shall be apprehended, for three months, or till paid; for the second offence treble value, and six months imprisonment; for the third offence, such justice shall commit him till the assizes, and if he shall be there convicted in like manner, he shall be guilty of felony, and transported for seven years. But persons aggrieved (except on the third conviction) may appeal to the next general quarter-sessions, whose order therein shall be final.

The fulling miller shall take an oath before a justice dwelling near such mill, that he will well and truly perform the measuring all mixed or medley broad cloth fulled at his mill.

If the buyer is not satisfied with the measure, he may have it measured again in the water, in eight days after delivery, giving two days notice to the seller or his factor; and if he shall refuse, it shall be measured, if in London by the keeper of Blackwell-hall, who shall be sworn before a justice to measure it truly; if not in London, then if the two measurers disagree, or appoint not a third person, the chief magistrate shall appoint and swear one.

And if it appear defective in length, or breadth, the owner or seller shall forfeit the sixth part of the value of such cloth, on the measurer's making such certificate, and making oath thereof before a justice, of which the justice shall give him a certificate. The same to be repaid by the fulling miller.

And the said certificate shall in ten days be filed with the clerk of the peace, for which he shall have 1s. which certificate so filed, shall be a sufficient conviction; if he shall refuse to pay the forfeiture, it shall be levied by distress, by warrant of one justice, and for want of distress, the offender shall be committed to the gaol or house of correction for three months.

The tenter shall be measured, and the length of yards marked in figures upon the top-bar, on pain of 5l. on conviction before two justices, on information upon oath, in three months after the offence; to be levied by distress, half to the informer, and half to the poor; for want of distress, the party offending to be committed to gaol not exceeding three months, or until satisfaction be made.

Inspectors shall be chosen by the justices of Gloucester, Wilts, and Somerset, at Easter sessions yearly; who, before they enter upon their office, shall take this oath, *I A. B. do swear, that I will well and truly execute the office of an inspector of mixed or medley woollen broad cloth within this county according to the laws and statutes of this realm, and according to the best of my skill and knowledge: So help me God.*

And the said justices shall allow a salary to each inspector, not exceeding 30l. a year; for the raising of which, every maker shall pay to the inspector 2d. for every such cloth, before they

are

are

are sent from the mill; who shall pay the same every three months or oftener, to the county treasurer, to be applied by the sessions towards such salaries.

The justices at the Easter sessions yearly for the West Riding of the county of York, shall appoint searchers, and appoint them salaries; who shall be sworn before a justice, well and truly to execute the office of searching such narrow woollen cloth. And in case of the death or sickness or other disability of a searcher, one justice, living near, may appoint another till the next sessions, to be there confirmed, or another appointed.

And a sum not exceeding 3d. for each cloth, shall be paid by the owner before it is carried from the mill, to such persons as the justices at Easter sessions shall appoint, to pay the searcher's salaries, and other expences of the act.

If any person over stretch it, he shall forfeit for the first half yard in length, or first inch in breadth overstretched, 10s.; and for every other half yard in length, or half inch in breadth, 20s.

The conviction to be before one justice, not being a dealer in cloth, on oath of one witness, reasonable notice being first given to the person accused.

The forfeitures (if not paid in ten days after notice of the conviction given at the offender's last place of abode, and if he shall not appeal) to be levied by a constable by warrant of a justice by distress; half to the informer, and half to the treasurer for the expences of carrying the act into execution; for want of distress, to be committed to the house of correction to hard labour for one month.

Persons aggrieved may appeal to the next quarter-sessions, to be held after 14 days from the conviction, giving 10 days notice to the informer. And the justices there may award costs.

The justices for the said West Riding (not being interested) shall, at the Bradford Midsummer sessions yearly, appoint so many men as they shall think proper, under 60 years of age, to be searchers or measurers of cloth at the fulling mills, and allow them salaries.

If any of the said officers so appointed shall keep a public house for selling ale, or other liquors; or be concerned in the making, buying, or selling, any wool, woollen manufactures, or goods commonly made use of in dying; or be guilty of any misbehaviour or neglect of duty; and shall be convicted thereof by the oath of one witness before two justices, it shall be lawful for the justices at the next sessions after such conviction, on producing the same, or due proof thereof, to discharge such officer, and appoint another in his room.

All disputes between clothiers and millers, relating to the wages for milling, shall, if such miller desire it, and the matter in dispute do not exceed 40s. be determined by one justice.

who may, on complaint, summon the parties, adjudge damages, and give costs not exceeding 10s. and levy the same by distress, if not paid in ten days.

4 G. 3. c. 23.

If the inspector or supervisor shall find any cloth falsely stamped by the searcher, he shall, within seven days, give information thereof to a justice; and such searcher shall, on conviction before such justice, forfeit 10s.

The buyer, if he suspects any fraud, may within forty days after the sale and delivery of such cloth, cause the same to be measured by some sworn searcher, inspector, or supervisor; and if it be found defective in length or breadth, he shall within three days give information thereof to a justice; and the supervisor, who last measured the said cloth, shall forfeit for the first inch in breadth or half yard in length that such cloth or end of cloth shall fall short, 5s.; and for every other inch in breadth or half yard in length the further sum of 10s.—And if such searcher, inspector, or supervisor, who last measured the cloth, shall not in three days give information as aforesaid, he shall, on conviction before such justice, forfeit 40s. and his office.

5 G. 3. c. 51.

6 G. 3. c. 23.

Informations of offences (not otherwise directed) shall be made on oath, within ten days after the offence shall be discovered; the same to be heard and determined, on the oath of one witness, before one justice not interested; and the penalties, after deducting charges of the conviction, to be distributed, half to the informer, and half to the treasurer of the said West Riding; the part belonging to the treasurer shall be received by the justice, and by him paid to an inspector or supervisor; and the said justice shall, within three months, send an account thereof to the said treasurer.

If any offender shall, for 10 days after conviction, refuse or neglect to pay any forfeiture by him incurred; or shall not give notice of appeal; then, and not before, the justice shall issue his warrant of distress, to the constable, where the offender dwells, requiring him to levy the same by distress: and where no sufficient distress can be had, the said justice shall commit him to the house of correction for any time not exceeding three months.

Persons aggrieved may appeal to the next sessions which shall be held within 14 days after the cause of appeal shall arise, giving ten days notice.

The justices, inspectors, and supervisors shall return to the sessions from time to time, an account in writing of all convictions that have happened within their knowledge, and of the penalties levied and made payable to the treasurer; and the inspectors and supervisors shall pay to the treasurer, within three months after receipt thereof, all sums by them received on account of such convictions.—And every person neglecting or refusing to transmit such account, within 20 days next after any

such

such sessions, or, not paying such sums within three months after receipt thereof, shall, on conviction on the oath of one witness, before two justices, forfeit 10*l*.

Within eight days after the interment of any dead, some relation, or other credible person, on pain of 5*l*. to be levied by distress, shall cause an affidavit in writing to be made under the hands and seals of two or more credible witnesses, setting forth that such deceased person was not buried in any other than what is made of sheep's wool only; and shall bring the same and make oath thereof, before the mayor, or a justice of the peace, or master of chancery [and if no justice shall reside or is to be found in the parish where the party is interred, then to any parson, vicar, or curate, in any other parish within the county] who shall administer the oath and attest the same under their hands upon such affidavit, *gratis*.

30 C. 2. c. 3.

Where no affidavit shall be brought in eight days as aforesaid, to the minister where the party was buried, he shall forthwith give, or cause notice thereof to be given in writing under his hand, to the churchwardens or overseers; on pain of 5*l*. with full costs (provided the suit be commenced in six months) one fourth to the king, two fourths to the poor where such person offending dwells, and one fourth to him that shall inform and sue.

32 C. 2. c. 2.

The said churchwardens or overseers shall within eight days after such notice (on like pain as the minister) repair to the chief magistrate, if such party was buried in a town corporate, or else to a justice of the peace; which said justice or magistrate, on certificate from such minister, shall (on the like pain) forthwith grant a warrant for the levying of the said forfeiture on the goods of the parties before mentioned, rendering the overplus, all reasonable charges being first deducted, half of which shall be to the poor, and half to the informer.

And the overseers shall give an account of the name and quality of every person interred within their parish from the time of their former account, and of such certificate as came to their hands from such minister, and of their levying the penalties, and of their disposal thereof; on pain of 5*l*. to be levied by distress, by warrant of the justices, or two of them, to whom they shall account.—And no overseers' account shall be allowed, until they shall have therein accounted for the burials as aforesaid.

30 C. 2. c. 3.

Wreck.

Wreck.

12 An. st. 2.
c. 18.
26 G. 2. c. 19.

THE justice of the peace, mayor, bailiff, collector of the customs, or chief constable, who shall be nearest to where any ship shall be stranded or cast away, shall forthwith give public notice for a meeting to be held as soon as possible of the sheriff or his deputy, the justices of the peace, mayors, coroners, and commissioners of the land tax, or any five of them, who shall employ proper persons for saving the same; and shall command the constables nearest to the sea-coasts, to call together as many men as shall be thought necessary, to assist. And also the officers of excise shall be proper officers to put these acts in execution. And within the cinque ports, the lord warden of the cinque ports, the lieutenant of Dover castle, the deputy warden of the cinque ports, the judge official, and commissary of the court of admiralty of the cinque ports, shall put the same in execution there.

And any justice of the peace, in the absence of the high sheriff, may take sufficient power of the county.

And they may command all ships at anchor near to assist; and if the officer of such ship shall refuse or neglect, he shall forfeit 100*l.* with costs, to the officer of the ship in distress.

The persons assembled to save any vessel or goods shall conform in the first place to the orders of the master or other officer or owner, or persons employed by them, then to the orders of the officers of the customs, next to those of the officers of excise, then of the sheriff or his deputy, then of a justice of the peace, then of a mayor, then of the coroner, then of a commissioner of the land tax, then of a chief constable, then of a petty constable; and any person acting contrary to such orders, shall forfeit not exceeding 5*l.* to be levied by warrant of one justice; and in case of non-payment, to be committed to the house of correction, not exceeding three months.

And every such sheriff, justice, mayor, coroner, lord of an manor, under sheriff, or commissioner of the land tax, shall have 4*s.* a day during his attendance, out of the goods saved.

26 G. 2. c. 19.

And if any person not empowered as above shall endeavour to enter on board such vessel, or shall deface the marks of the goods; he shall within 20 days make double satisfaction to the party grieved, at the discretion of the two next justices; or, in default thereof, shall be sent by them to the next house of correction, to be kept to hard labour for 12 months.

All persons, who shall act or be employed in preserving any such vessel or cargo, shall be paid a reasonable salvage, to be adjusted by three neighbouring justices as above-mentioned.

If any person shall be assaulted, beaten and wounded, in the exercise of his duty in the salvage of any vessel or goods, the

the offender on conviction, by indictment at the assizes or sessions, shall be transported for seven years.—And such persons interrupting or hindering the preservation of the ship may be repelled by force.

And if any person shall plunder, steal, take away, or destroy any goods belonging to such ship in distress, or which shall be wrecked or stranded (whether any living creature be on board or not) or any tackle, provision, or part of such ship; or shall beat or wound, with intent to kill, or otherwise wilfully obstruct the escape of any person endeavouring to save his life from such ship, or the wreck thereof; or shall put out any false light, with intent to bring any vessel into danger, he shall be guilty of felony without benefit of clergy. But when goods of small value shall be stranded or cast on shore, and stolen without circumstances of cruelty, outrage, or violence, the offenders may be prosecuted for petit larceny only.

If any person shall do any thing tending to the immediate loss of such ship, in distress, he shall be guilty of felony without benefit of clergy.

One justice, upon information on oath, of any part of the cargo or effects of any vessel lost or stranded near the coast, being unlawfully conveyed or concealed, or of some reasonable cause of suspicion thereof, may issue his warrant for searching as in other cases of stolen goods: and if the person in whose possession the same shall be found, shall not immediately upon demand deliver the same; such justice, on proof of such refusal, shall commit him to the common gaol for six months, or until he shall have paid treble the value thereof.

And if any person shall offer to sale any such goods unlawfully taken away, or reasonably suspected so to have been, the person to whom they are offered; or any officer of the customs or excise, or constable, may seize the same, and shall, with all convenient speed, carry the same, or give notice thereof, to one justice; and if such person shall not in ten days make out his property therein, to the satisfaction of the justice, they shall be delivered over to the rightful owner, on payment of a reasonable reward (to be ascertained by the justice) to the seizer; and the justice may commit such offender to the common gaol for six months, or till he shall have paid treble value. And if any person shall discover to any justice, magistrate, custom house or excise officer, where any such goods are wrongfully bought, sold, or concealed, he shall be entitled to a reasonable reward, to be adjusted as the salvage.

The officer of the customs, who shall act in preserving any vessel or cargo, shall cause all persons belonging to the vessel, and others who can give an account thereof, to be examined on oath before a justice, as to the name or description of the vessel, the names of the master and owners, and of the places from

from or to which the vessel was bound, and the occasion of the distress; which examination the justice shall take in writing, who shall deliver a copy thereof to the said officer of the customs, to be forthwith transmitted to the secretary of the admiralty, who shall publish the same in the next London Gazette, or so much thereof as shall be necessary for the information of the persons interested or concerned therein.

26 G. 2. c. 19.

And if no person shall appear to claim the goods saved, the officer of the customs shall apply to three of the nearest justices, who shall put him or some other responsible person in possession, taking an account in writing of the goods, to be signed by the said officer: and if they be not claimed in a year, they shall be sold (and if perishable, shall be forthwith sold) and the money returned to the exchequer, till claimed by the owner.

But this shall not prejudice the right of any lords of manors, or others, lawfully claiming wreck, or goods.

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A P P E N D I X,

CONTAINING THE

ACTS OF 28 GEORGE III.

Auctions.

COMPLAINTS of sales by auction being rendered void, shall be made in a year, if they be rendered void in that period, or else in three months after the discovery. *28 G. 3. c. 37.*

Allowances of duty are to be made to purchasers of their own effects by auctions, if prior notice of their having authorised a bidder be given to the auctioneer, and the delivery of such notice be verified upon the oath of the auctioneer, as also the fairness of the transaction to the best of his knowledge.

British Wines by retail.

FROM July 5, 1788, no persons shall sell British wines for consumption in their own houses, unless such person shall also have obtained a licence for selling beer and ale. *Id.*

N. B. The penalties for this offence are not here declared and specified.

Chimney Sweepers.

BY this act, from and after the fifth day of July, 1788, churchwardens and overseers of the poor, with consent of two justices, may bind or put out any boy, who is of the age of eight years, or upwards, and who is chargeable, or whose parents are chargeable to the parish, or who shall beg for alms; or with the consent of the parent or parents of such boy, to be apprentice to any person exercising the trade of a chimney sweeper, until such boy shall attain to the age of 16 years;

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years; and such binding shall be as effectual in the law, as if such boy was of full age, and by indenture had bound himself an apprentice.

28 G. 3. c. 48.

The age of the apprentice shall be inserted in the indenture, being taken truly from the copy of the entry in the parish register, where the same may be had, attested by the minister of such parish, without fee or reward, upon paper or parchment, without any stamp or mark; and where no such copy of such boy being baptized can be had, such justices of the peace shall, as fully as they can, inform themselves of his age, and from such information shall insert the same in the said indenture; and the age of such boy or boys, so inserted in the said indenture, shall be taken to be his true age.

The indenture shall be made and written out according to the form in the schedule hereunto annexed, and the same shall not be charged with or liable to the payment of any higher stamp duty, than is now charged upon indentures for binding out poor children by their respective parishes.

All indentures hereafter to be made for taking any boy as an apprentice or servant employed as a climbing boy or chimney sweeper, who shall be under the age of eight years, shall be absolutely void; and every person who shall from henceforth take or keep any such boy as an apprentice or servant employed as a climbing boy or chimney sweeper, who shall be under the age of eight years, and being convicted thereof, shall forfeit for every such apprentice or servant, any sum not exceeding 10*l.* nor less than 5*l.*

The overseers of the poor of every township or village shall and may from time to time, within such township, perform and execute all the acts hereby directed to be done or executed by the churchwardens or overseers of the poor of a parish or place.

One or more justice or justices may hear and determine complaints between masters and apprentices, and may make such orders therein respectively, as he or they is or are now enabled by law to do in other cases between masters and apprentices.

No person exercising the trade of a chimney sweeper, shall retain or employ any more than six apprentices at one and the same time; and the name of every person so taking an apprentice, and also the place of his or her abode, shall be marked or put upon a brass plate, to be set or affixed in the front of a leathern cap, which every master or mistress shall provide for each such apprentice, and which he shall wear when out upon his duty; and every master or mistress shall forfeit for every apprentice so retained or employed by him or her beyond the number limited by this act, or for neglecting to provide every such apprentice with such leathern cap, and

and brass plate to be so affixed thereupon, and marked with his or her name, and place of abode as aforesaid, any sum not exceeding 10l. nor less than 5l.

If any such master or mistress shall misuse or evil treat his or her apprentice, or if the said apprentice shall have any just cause to complain of the breach of any of the covenants in such indenture, such master or mistress, being convicted thereof, shall forfeit for every such offence, not exceeding 10l. nor less than 5l. 28 G. 3. c. 48.

No chimney sweeper shall let out to hire, or lend, by the day or otherwise, to any other person for the purpose of sweeping chimneys, any apprentice; nor shall cause such boy or boys to call the streets before seven of the clock in the morning, nor after twelve of the clock at noon, between Michaelmas and Lady-Day, nor before five of the clock in the morning, nor after twelve of the clock at noon, between Lady-Day and Michaelmas, on pain of forfeiting for every such offence, any sum not exceeding 10l. nor less than 5l.

All convictions for penalties, imposed by this act, shall be made before one or more justice or justices of the peace acting for the county, city, town, or division, where such offence was committed, either by confession of the offender, or upon the oath of one or more credible witness or witnesses, such justice or justices, upon complaint made to him or them thereof, may summon the person or persons so offending before him or them, to answer to such complaint, in such manner as he or they is and are authorized to do, in any other matter cognizable before a magistrate.

All penalties and forfeitures for any offence, neglect, or default against this act, shall be levied by distress and sale of the goods of the offender, by warrant under the hand and seal of one or more such justice or justices of the peace, where such offence, neglect, or default shall happen; rendering the overplus, if any, to the party, after deducting the charges of making the same; and the penalties and forfeitures, costs and charges, shall be paid, the one half to the informer, and the other half to the overseers of the poor of the parish, &c. where the master or mistress of such apprentice shall dwell; and in case such distress cannot be found, and such penalties and forfeitures, or the said costs or charges shall not be forthwith paid, such justice or justices, by warrant under his or their hand and seal, or hands and seals, may commit such offender to the common gaol or house of correction, for any time not exceeding three months, unless the said penalties, costs or charges, shall be sooner paid.

No warrant of distress shall be issued until six days after the conviction; nor shall any distress be deemed unlawful for want of form, in any proceedings relating thereto.

28 G. 3. c. 48.

No plaintiff shall recover for any irregularity, if tender of sufficient amends shall have been made.

The justice or justices of the peace where the offence shall be committed, is and are hereby empowered to administer the oaths by this act required to be taken.

Any person aggrieved by any thing done by any justice or justices of the peace, in pursuance of this act, may appeal to the justices of the peace at the next general or quarter-sessions of the peace to be holden for the county, &c. wherein the cause of such complaint shall arise, having first entered into a recognizance, with sufficient surety, before such justices, to prosecute and abide by the order that shall be made on such appeal, and also giving to the said justice notice in writing of his or her intention to bring such appeal, and of the matter thereof, within six days after the cause of such complaint shall have arisen.

The Schedule to which the Act refers.

This indenture made the _____ day of _____ 18____ year of the reign of our sovereign Lord George the Third, by the grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. and in the year of our Lord _____ between A. B. and C. D. churchwardens and overseers of the poor of the parish of _____ in the county of _____ [or E. F. the father or next friend of the boy to be placed out, as the case may be] of the one part; and _____ of the parish of _____ in the county of _____ chimney sweeper, of the other part: Witnesseth, that the said churchwardens and overseers of the poor [or the said E. F. as the case may be] by, and with the consent and approbation of G. H. and I. K. two of his Majesty's justices of the peace acting in and for the county, riding, city, town, borough, or division [as the case may be] signified as hereunder written, have put, bound, and by these presents do put and bind _____ a poor boy of the said parish, township, or place, being of the age of _____ years [as the case may be] to be apprentice to the said

_____ he being his first, second, third, fourth, fifth, or sixth apprentice [as the case may be] to learn the trade, business, art and mystery of a chimney sweeper, and with him [or her] to dwell, remain, and serve from the day of the date of these presents, for and during the term of _____ years, from hence next ensuing, fully to be compleat and ended, during all which time he the said _____ apprentice, his said master [or mistress] faithfully shall serve and obey, his [or her] secrets keep, and his [or her] lawful commands

every

every where gladly do and perform; he shall not haunt ale-houses or gaming-houses, nor absent himself from the service of his said master [or mistress] day or night, without his [or her] leave, but in all things as a faithful apprentice shall behave himself towards his said master [or mistress] and all his [or her's] during the said term: And the said [master or mistress] in consideration of the good will which he [or she] hath and beareth towards the said apprentice, and of the faithful service so to be performed by him, doth hereby covenant, promise, and agree with the said churchwardens and overseers of the poor [or the said E. F. as the case may be] that he [or she] the said [master or mistress] his [or her] said apprentice, in the art or mystery of a chimney sweep, which he [or she] now useth, shall and will teach and instruct, or cause to be taught and instructed, in the best manner that he [or she] can, and shall and will provide and allow unto the said apprentice, during all the said term, competent and sufficient meat, drink, washing, lodging, apparel, and all other things necessary for the said apprentice: and that the said [master or mistress] his [or her] executors, administrators, or assigns, shall not nor will assign over this present indenture, or the apprentice to be bound thereby, without the consent and approbation, in writing, of two or more such justices of the peace, to be signified according to the form of the approbation hereunder written. And whereas, from the nature of the business or employment of a chimney sweep, it is necessary for the boys, employed in climbing, to have a dress particularly suited to that purpose, which dress is only fit for that part of the occupation; the said

doth hereby also covenant, promise, and agree to and with the said churchwardens and overseers of the poor, [or the said E. F. as the case may be] to find and allow such suitable dress for the said apprentice, as often as need or occasion shall be and require, and provide for and deliver to the said apprentice, once in every year at least, during the term aforesaid, over and above the said dress proper for climbing, one whole and compleat suit of cloathing, with suitable linen, stockings, hats, and shoes: and further, that the said

shall and will, at least once in every week, cause the said apprentice to be thoroughly cleansed from soot and dirt, and shall and will require the said apprentice to attend the public worship of God on the Sabbath day, and permit and allow him to receive the benefit of any other religious instruction; and that the said apprentice shall not wear his sweeping dress on that day: and that the said

shall not, nor will compel or oblige the said apprentice to call the streets, or any other places, before seven of the clock in the morning, nor after twelve of the clock

at

Chimney Sweepers.

at noon, between Michaelmas and Lady-day, nor before five of the clock in the morning, nor after twelve of the clock at noon, between Lady-day and Michaelmas; and that the said [person] shall not, nor will at any time during the said term, let out his [or her] said apprentice for hire by the day, night, or otherwise, to any other person or persons exercising or using the said trade, nor shall the said [person] or any person or persons whomsoever by his [or her] directions, require or force him the said apprentice to climb or go up any chimney which shall be actually on fire, nor make use of any violent or improper means to force him to climb or go up any such chimney; but shall in all things treat his [or her] said apprentice with as much humanity and care as the nature of the employment of a chimney sweeper will admit of. In witness, &c.

Form of approbation by justices.

28 G. 3. c. 48.

We, the above named G. H. and I. K. two of his majesty's justices of the peace acting in and for the county, riding, town, borough, or division [as the case may be] having inspected and examined the above-named

[the boy to be placed out or assigned over] do hereby consent to and approve of his being bound [or assigned over] as an apprentice to the above-named

[the master or mistress] according to the terms and stipulations expressed in the above-written indenture.

Curates' Licences.

25 G. 3. c. 28.

FROM June 24, 1788, the stamp duties imposed by the recited acts on licences granted by archbishops, &c. are to cease with respect to licences to stipendiary curates, in which the annual amount of the stipend is inserted.

Frame Work Knitters.

28 G. 3. c. 55.

IF any framework knitter, who shall rent or hire any stocking frame, with or without any machine or engine thereto annexed, shall at any time, refuse to re-deliver such frame, with the machine or engine therewith let to the person of whom he or they shall rent the same, having received 14 days previous notice for such purpose, the person so offending, being lawfully convicted by the oath or affirmation of the owner or employer of such frame, or of any other credible witness or witnesses

nesses, before any one or more justice or justices of the peace, where such offence shall be committed, or where the person or persons so charged shall reside or inhabit (which oath or affirmation the said justice or justices is and are hereby impowered and required to administer), the person so offending shall for every such offence, forfeit the sum of 20s. to and for the use of the poor of the parish where such offence shall be committed; and if not immediately paid, and the frames returned in six days after conviction, shall be imprisoned in the common gaol or public prison not more than three months nor less than one.

Any person so renting or taking to hire any stocking frame, and selling the same without the consent of the owner thereof, being lawfully convicted upon any indictment to be found against him, shall suffer solitary imprisonment in the common gaol or house of correction where such offence shall have been committed, without bail or mainprize, for a space not less than three calendar months, nor exceeding 12 calendar months; and persons purchasing them, are liable to the same punishment, if lawfully convicted on any indictment to be found against them. 28 G. 3. c. 55.

If any person or persons shall, by day or by night, enter by force into any house, shop, or place, with an intent to cut or destroy any framework-knitted pieces, stockings, or other articles or goods being in the frame, or upon any machine or engine thereto annexed; or shall wilfully and maliciously cut or destroy the same; or shall wilfully and maliciously break, destroy, or damage any frame, machine, or utensil, used in making any framework-knitted pieces, stockings, or other goods in the hosiery manufactory, not having the consent of the owner so to do, or shall break or destroy any machinery in any mill or mills used in preparing or spinning of wool or cotton for the use of the stocking frames, every offender, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall be transported to some of his majesty's dominions beyond the seas, for any space or term of years not exceeding 14 years, nor less than seven years.

Justices in the Country.

FROM and after the passing of this act, any justice or justices of the peace, acting as such for any two or more counties being adjoining counties, may act as a justice or justices of the peace in all matters and things whatsoever, relating to any or either of the said counties, and all acts of such justice 28. G. 3. c. 49.

Justices in the Country.

justice or justices of the peace, and of any constable or other officer in obedience thereto, shall be as valid, good, and effectual, as if such act had been done in the county or counties to which such act or acts more particularly relate; and all constables and other officers of the said county or counties to which such act or acts relate, are hereby required to obey the warrants of such justice or justices: provided, that such justice or justices be personally resident in one of the said counties, at the time of doing such act or acts: and provided, that the warrants, orders, or directions, so to be given and granted, be directed and given in the first instance to the constable or other officer of the county to which the same more particularly relate.

28 G. 3. c. 49.

It shall be lawful for any constable, or other peace officer, to convey and take any person or persons apprehended or taken into custody, to any justice or justices of the peace acting for the said county, and resident in such adjoining county as aforesaid; and in all cases, so to act as if the said justice or justices of the peace was or were resident within the said county to which they respectively belong.

Sheriffs, and their officers, may convey offenders through adjoining counties, to the gaol of the county wherein the offence was committed.

Justices for counties at large may act within any city being a county of itself, situate therein or adjoining to such county: provided always, that nothing in this act shall extend to give power to the justices of the peace for any county at large, not being justices for such city, town, or other precinct, or any constable or other officer acting under them, to act or intermeddle in any matters or things arising within any such city, town, or precinct, in any manner whatsoever.

Militia Pay and Cloathing.

N. B. *As many Magistrates are also Deputy Lieutenants, it is thought proper to insert this for their Inspection.*

8 G. 3. c. 11.

WHERE the militia is or shall be raised, the receiver-general of the county is to issue four months' pay in advance, at the rate of 6s. a day for each adjutant; of 1s. for each serjeant, with the addition of 2s. 6d. a week for each serjeant-major; of 6d. a day for each drummer, with the addition of 6d. a day for each drum-major; of 8d. a day for each corporal; and also at the rate of 4d. a month for each private man and drummer, for defraying the contingent expences

pences of each regiment, and independant company, one id. whereof shall be applied for defraying the hospital expences, during the time of the men's being from home upon account of their annual exercise; with half a year's salary to the regiment and battalion clerks, at the rate of 50l. a year; and the allowances to the clerks of the general and sub-division meetings; to the clerk of the general meetings, at the rate of 5l. 5s. for each meeting; and to the several clerks of the sub-division meetings, at the rate of 1l. 1s. for each meeting; and pay for cloathing of serjeants and drummers, at the rate of 3l. 10s. for each serjeant, and 2l. for each drummer, with the addition of 1l. for each serjeant-major, and each drum-major, and at the rate of 2l. for each corporal, where such serjeants, drummers, serjeant-majors, drum-majors, and corporals, have not been cloathed within two years; and, with respect to the private militia men, where the militia hath not been cloathed within three years, at the rate of 1l. 12s. for each private man.

The money is to be paid by the receiver-general of the land tax, to the clerk of the regiment or battalion, upon producing the warrant of his appointment; and for independant companies to the respective captains, or to their order, according to the establishment laid down in the militia act 26 Geo. III. A second payment is also to be made within 14 days after the expiration of three months after the first payment; and a third within three months after the second. The receipts of the persons to whom the money shall be so paid, shall be a sufficient discharge to the receivers-general. The regimental and battalion clerks are to pay in advance one month's pay to the adjutant; and two months' pay to each captain for the serjeants, drummers, and corporals; and for the serjeant-major and drum-major two months' pay is to be paid to the commanding officer of the company to which they belong; and the captains are to distribute the pay accordingly; and account for the same yearly to the clerk, or receiver-general, if an independant company; and pay back the surplus, if any, in their hands.

On discharge of serjeants or drummers as unfit for service, no pay is to be issued till others are appointed; nor any payment made to such as are discharged by the commanding officer.

The regimental clerk shall pay to the commanding officer, out of contingent money, 1d. a month for each private man and drummer, for defraying hospital expences; and also money for repairing arms, &c. upon an order in writing, signed by the colonel or officer commanding such regiment or battalion; and shall account annually to the commanding officer. The money allowed for contingent expences of independant companies,

Militia Pay and Cloathing.

companies, shall be applied and accounted for by the captains, to the receiver-general of the land tax of the county or place to which such independant company shall belong.

28 G. 3. c. 11. The regimental clerk shall retain money in his hands for his own salary.

The lieutenant, or three deputy lieutenants, shall certify to the receiver-general the days of exercise, the number of men, and the number of days such men are to be absent from home on account of such exercise; and such receiver-general is, within 14 days, to issue and pay to the clerk of the several regiments or battalions, at the rate of 7s. 6d. per day for the captain of each company, and at the rate of 3s. 6d. per day for each lieutenant, and of 1s. per day for each private militia man; for the number of days such officers and men shall be absent from home on account of such exercise; and also at the rate of 1s. per day for each private militia man who shall attend the place of annual exercise, but who shall not have been so chosen by ballot to be trained and exercised, for any number of days not exceeding five, during which such men shall be absent from home on account of their attendance at such place of annual exercise; and the same shall be paid to the officers and private men of independant companies.

During the time the troops are embodied, and called out into actual service, and receive pay as the King's other forces, all pay and allowance from the receiver-general is to cease. The receivers-general are to pay the allowances to the clerks of the general meetings, and to the clerks of the sub-division meetings, upon producing orders from the lieutenant or deputy lieutenants; which order shall be a sufficient discharge. Regimental and battalion clerks are to give security for paying and accounting for the monies received by them; by a bond to his Majesty, in the penalty of one half of the sum required for the whole year's charge of the regiment or battalion of militia to which such clerk shall belong. The bonds to be lodged with the receivers-general, and put in suit by them on non-performance of the conditions; and they are intitled thereupon to full costs and charges; and 5l. per cent. of the money recovered; the residue to be accounted for to the auditor of his Majesty's revenue.

The regimental and battalion clerks, and captains of independant companies, are to deliver in accounts of their receipts and disbursements; which account, signed by such clerk, or by such captain, shall be transmitted by the said receiver or receivers-general of the land tax, into the office of the proper auditor of his Majesty's revenue.

All penalties, costs and charges of suit, may be recovered in any of his Majesty's courts of record at Westminster, by
action

action of debt, bill, plaint, or information.—No fee or gratuity whatsoever, shall be given or paid for, or on account of, any warrant or sum of money which shall be issued in pursuance of this act.—Persons on half pay, or entitled to an allowance as having served in the reduced horse guards, &c. may, though serving in the militia, receive the same, on taking the following oath.

I A. B. do swear, that I had not, between the and any place or employment of profit, civil or military, under his Majesty, besides my allowance of half pay, as a reduced late regiment of, (or allowance as in late troop of horse guards, or regiment of horse reduced), save and except my subsistence as a captain, lieutenant, or ensign, [as the case may be] for serving in the militia of the county of

28 G. 3. c. 17.

The receiver-general, upon receiving a warrant from the commanding officer, certifying the receipt of the cloathing, and an order for payment, is to pay the same accordingly.—No militia man inrolled prior to Nov. 1, 1786, shall be required to join, unless his regiment be called into actual service.—No man inrolled only for three years, and of whom no attendance has been required, shall be intitled to his pay or cloathing.—If any regiment, &c. shall cease, 3s. per diem is to be paid to the adjutant from such time to March 25, 1789.

Quarantine and other Ship-Laws.

FROM July 5, 1788, in addition to the particulars authorized by the act, 26 G. 2. c. 6. the principal officer of the customs, &c. is required to demand of the commander of any ship further particulars, to which commanders giving untrue answers, shall forfeit 200l.

28 G. 3. c. 34.

Masters maliciously detaining certificates of registry, granted in pursuance of an act of 7 and 8 of W 3. (intituled, *An act for preventing frauds, and regulating abuses in the plantation trade*) and also of an act passed in the 25th year of his present majesty's reign, (intituled, *An act for the further increase and encouragement of shipping and navigation*) shall forfeit 100l. on conviction before any justice of the peace residing near to the place where such detainer and refusal shall be, and on failure of payment thereof, within the space of two days after such conviction, he shall be committed to the common gaol, there to remain, without bail or mainprize, for such time as the said justice shall, in his discretion, deem proper, not

U u u 2

being

being less than six months, nor more than 12 months. Such justice may issue his warrant to search for such certificate, &c. and if not found, to certify the same to the person who granted the last certificate, that a fresh one may be given, notifying on the back of such certificate the ground upon which such ship or vessel was so registered *de novo*.

Pawnbrokers.

28 G. 3. c. 50

BY the act 27 G. 3. it was enacted, *That in case any dispute should arise between any persons pledging or redeeming, or offering to redeem, any goods, and the pawnbroker, respecting the re-delivery thereof, or the money to be paid to such pawnbroker, every such dispute, in case the original sum lent was under 40 shillings, should be settled and determined by any justice of the peace acting for the respective county, riding, division, city, town, liberty, or place, who was thereby authorised and required by examination on oath or affirmation, of the parties themselves, and such other credible person, to hear and determine the same; which determination should be final and binding unto and upon all persons: but by this act, the said clause, and every matter and thing therein contained, is declared to be repealed to all intents and purposes,*

Register of Freeholds.

28 G. 3. c. 36.

BY this act, every person having, in any county, a freehold estate, shall have a right to cause his name to be enrolled in the register of freeholders for the parish or district, within which the whole or any part of such estate shall lie, or out of which the whole or any part of such estate shall issue, upon making personal application for that purpose to the register-keeper of such parish or district, i. e. the collector of the land-tax, who by this act is appointed register-keeper; and if any register-keeper shall be duly qualified, according to the true intent and meaning of this act, to have his name enrolled in the register of freeholders in his custody, it shall be lawful for him to enrol his own name in such register.

Freeholders residing at a distance from their freeholds, may be enrolled, on swearing to an attestation before a *justice of the county in which they reside, who is to sign the jurat to the attestation.

If the justice be not a magistrate for the county where the freehold lies, the attestation must be produced to a justice of that county; and an oath of the form specified in the schedule

* See form of attestation, No. 106.

hereunto

hereunto annexed, No. 4*, shall be written or printed at the end of the said attestation; and the person producing it must make and subscribe the oath at the foot thereof; and such justice is hereby impowered and required, upon request being made to him by such person, to administer such oath *gratis*, and to sign the jurat; and on such attestation's being produced to the register-keeper, the freeholder is entitled to be enrolled.

Attestations are to be left with the register-keeper, who is to give a copy of the enrolment *gratis*, if demanded the same day. 28 G. 3. c. 36.

Freeholders above 18 years of age are entitled to be enrolled, on requesting so to be, by personal application, or by attestation, as aforesaid; and every such person shall be as fully entitled to be enrolled, and shall, in case of a refusal, have the same remedy or remedies, as any other freeholder.

Every register-keeper is required to enrol the name of every person who shall (by personal application, or by attestation) request to be enrolled, and to sign such enrolment; but not compellable to make any before April 6, 1789, or on a Sunday, Good-Friday, Christmas-day, a public fast, or thanksgiving day.

After July 10, 1790, no person shall vote for a knight of the shire until he makes the following declaration.

I do declare, that my name is A. B. and that I am
[specifying the addition, profession, or trade of such person]
and that the usual place of my abode is at
[and if it be a town, in what street,] in the county of
and that I am enrolled in the register of freeholders for
[specifying the parish or district for which such person is
enrolled] in the county of and that I really and
truly have in the said parish or district, an estate of the clear yearly
value of forty shillings, over and above the interest of any money
secured by mortgage upon the said estate, and also over and above
all rents and outgoings payable out of or in respect of the said estate,
other than parliamentary, public, or parochial taxes; and that the
said estate consists of [lands, or of messuage, or of tythes, or of an of-
fice, or of a rent charge; naming some occupier of such lands, or
messuage; or if the said estate consist of an office, then naming the
same]; and that I am in the actual possession or receipt of the rents or
profits of the said estate for my own use; and that I do vote in virtue
of
and that I have not been polled before at this election;
and that, to the best of my knowledge and belief, I am of the full age
of twenty-one years, and have in my said estate a freehold.

No person (except as herein-after excepted) shall have a right to vote at any election of any knight or knights of the shire to serve in parliament for any county, without having been en-

* See No. 107.

rolled,

rolled, at least twelve calendar months before the day on which such person shall tender his vote at such election; and every person (except as herein-after excepted) shall, before he be permitted to vote at such election, make the following declaration:

28 G. 3. c. 36.

I do declare, that I have been enrolled at least 12 calendar months in the register of freeholders for [specifying the parish or district in the register of freeholders for which such person is enrolled] in the county of [specifying the county] and that I have, by myself or others, been for at least 12 calendar months last past in the actual possession or receipt of the rents or profits, for my own use, of the estate for which I claim to vote at this election.

Persons to whom freeholds shall have come by death, office, or marriage, within two years before tendering their votes, shall be entitled to vote, if their names have been enrolled prior to tendering them; but such persons shall make the following declaration.

I do declare, that the estate for which I claim to vote at this election came to me within two years last past, by the death of [specifying the christian name and the surname of the person by whose death the person claiming to vote shall have acquired such estate, or] by promotion to the benefice of [specifying the benefice] [or] by promotion to the office of [specifying the office] [or] by marriage with [specifying the name of the person with whom married] [as the case may be.]

But no such person, whose name shall have been enrolled less than 12 calendar months, shall be permitted to vote, unless he produce a copy of his enrolment, and leave it with the sheriff.

If any person shall cause himself to be inrolled, who has not a legal freehold, or which does not lie in the district for which the enrolment is made, or if he be not in the receipt of the rents; or if it be fraudulently granted him; or if he shall misstate any particulars thereof, he shall forfeit 20l. of lawful money of Great-Britain, to any person or persons who shall first sue for the same.

Persons voting who are under 21 years, or who have not a freehold, shall forfeit 20l. to any candidate for whom such person shall not have voted at the said election, and who shall first sue for the said forfeiture; but if no such candidate shall sue for the said forfeiture within three calendar months after the offence shall have been committed, then the said forfeiture shall go to any person or persons who shall first sue for the same.

If any register-keeper shall wilfully refuse to enrol the name of any person who shall (by personal application or attestation)

request

request to have his name so enrolled; such refusal being proved upon the oath of one or more credible witnesses or witnesses, before any justice of the peace for the county, &c. such register-keeper shall be summoned to appear before him, and to shew cause why he did so refuse to make such enrolment; and if he shall not shew sufficient cause, or shall neglect to obey such summons, such justice shall, by warrant under his hand and seal, cause to be levied, by distress and sale of the goods and chattels of the said register-keeper, the sum of 40 shillings, and also the full costs and charges attending such distress and sale; the sum so levied to be paid to the person who shall have been refused to be enrolled; and if he refuse a second time, he shall forfeit 10l. and so for every subsequent refusal.

The clerk of the peace, by April 5, 1789, shall deliver to the different register-keepers within his county, printed copies of a notice, to be left at the abode of every freeholder, in the said month of April; which is also to be affixed on the door of every church; such notice to be subscribed by the register-keeper; and shall cause the notices to be proclaimed in every market town, and shall send a copy thereof to every newspaper printed within the county, in the said month of April. 28 G. 3. c. 36.

Register keepers in May or June 1790, and so annually, are to carry the register, and copies of the enrollments of such persons as shall be dead, or shall have disposed of their freeholds, to a justice (who is to fill up the blanks in the memorandums), and to deliver the copies to the clerk of the peace, at the quarter sessions in July.

The clerk of the peace shall produce the list of every district in the county, at the quarter sessions in the month of October, and verify it on oath. And the justices shall sign the list, which is to be kept among the county-records, and the clerk of the peace shall deliver a copy to the sheriff within a month; and by October 24, 1788, shall require the King's printer to send him a sufficient number of registers, &c.

The expences incurred by the King's printer, or clerk of the peace, are to be paid out of the county rate; and the clerk of the peace's expences are to be settled at the general quarter sessions.

Persons making, or suborning others to make, a false declaration shall forfeit 500l. and shall also be imprisoned for any time not less than one year, and not exceeding three years; or, upon being convicted, on indictment, of committing wilful perjury, shall suffer the penalties, due by law to that offence.

Persons destroying registers, &c. or altering them, &c. shall be transported for any term not exceeding seven years, at the discretion of the court.

Forfeitures

28 G. 3. c. 36.

Forfeitures may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, within three years after the offence committed.

No person shall incur any penalty for having caused his name to be enrolled, on account of any want of, or defect in title to the estate; provided such person be (by himself or others) in the actual possession or receipt of the rents or profits of the same for his own use.

From July 10, 1790, no person shall have a right to vote for a Burgess for Cricklade, who has not qualified to vote for Wilts.

Soldiers.

Doubts and disputes having arisen, in consequence of publicans shutting up their stables, that no horses may be quartered upon them, it is proper to direct the attention of such publicans to the following clause.

28 G. 3. c. 12.

§ XXXII. **W**HEN any of his Majesty's horse or dragoons shall be quartered or billeted upon the owner or owners of any alehouse, victualling house, or other house in which officers or soldiers may be quartered by virtue of this act, who have no stables, then, and in such case, and upon complaint made by the person or persons having no stables, to two or more justices of the peace of the division, city, or liberty, where such horse or dragoons shall be so quartered and billeted, and upon his or their making such allowance in lieu of his quartering such horse or dragoons, as such justices shall think reasonable, it shall and may be lawful for such justices to order the men and their horses to be removed, and quartered upon some other person or persons who by this act are liable to have officers and soldiers quartered and billeted upon them, who have stables, and to order and settle a proper allowance to be made by the person or persons having no stables, in lieu of his quartering such horse or dragoons, so to be removed as aforesaid; and also to order and direct, that such allowance shall be paid by the person or persons from whom such men and horses shall be removed, to or amongst the person or persons to whom such men and their horses shall be so removed as aforesaid, or be applied in the furnishing of quarters for the reception of such men and their horses, as the case may require, and as such justices shall think fit.

And

And also this Clause.

§ LXVIII. In case any victualler, or other person liable by this act to have any officer or soldier billeted or quartered on him or her, shall refuse to receive or victual any such officer or soldier so quartered or billeted upon him or her; or shall refuse to furnish or allow, according to the directions of this act, the several things directed to be furnished or allowed to non-commission officers or soldiers so quartered or billeted on him or her; or shall neglect or refuse to furnish good and sufficient hay or straw for each horse so quartered or billeted on him or her, at the rates* fixed in this act, and shall be thereof convicted, before one or more justice or justices of the peace of the county, city, or liberty, within which such offence shall be committed, by his own confession, or by the oath of one or more credible witness or witnesses, (which oath the said justice or justices is and are hereby empowered to administer), every such person so offending, shall forfeit, for every such offence, the sum of 5*l.* or not less than 40*s.*; to be levied, by distress and sale of the goods of the person offending, by warrant of such justice or justices, to be directed to any constable, or to any of the overseers of the poor of the parish where the offender shall dwell; to be applied, in making such satisfaction to any soldier for the expence he may have been put to, as such justice or justices shall order and direct; the remainder to be paid to the overseers of the poor of the parish wherein the offence shall be committed, or to some one of them, for the use of the poor of the said parish.

In case any persons shall be convicted of any offences under this act, the following shall be the form of conviction:

Middlesex. *Be it remembered, that on the* day of
in the year of our Lord at
in the county aforesaid, A. B. came before us C. D. and E. F.
two of his Majesty's justices of the peace in and for the said county,
and informed us, upon oath, that G. H. of on the
day of now last past, at
in the said county, did [here set forth the fact in the manner described in the statute]; whereupon the said G. H. after being

* A commission officer of horse, under the rank of captain, for			
diet and small beer, per diem	-	-	2 <i>s.</i>
Ditto of dragoons, ditto, for ditto	-	-	1 <i>s.</i>
Ditto of foot, ditto, for ditto	-	-	1 <i>s.</i>
Officer's horse, for hay and straw per diem	-	-	6 <i>d.</i>
Light horsemen's diet and small beer, 6 <i>d.</i> His horse	-	-	6 <i>d.</i>
Dragoons ditto, 6 <i>d.</i> His horse	-	-	6 <i>d.</i>
Foot soldiers' diet and small beer, per diem	-	-	4 <i>d.</i> $\frac{1}{2}$
X x x			duly

duly summoned to answer the said charge, appeared before us the said justices on the day of *at* in the said county, and having heard the charge contained in the said information, declared that he was not guilty of the said offence; but the same being fully proved upon the oath of *in* a credible witness, it manifestly appears to us the said justices, that he the said G. H. is guilty of the said offence charged upon him in the said information. It is therefore considered and adjudged by us, the said justices, that he the said G. H. be convicted; and we do hereby convict him of the offence aforesaid; and we do hereby declare and adjudge, that the said G. H. hath forfeited the sum of *of* of lawful money of Great Britain, for the offence aforesaid, to be distributed as the law directs, according to the statute in that case made and provided. Given, &c.

Spirituous Liquors.

28 G. 3. c. 37.

COMMISSIONERS of excise, &c. shall return to the persons licensed to retail spirits since passing the act, 27 G. 3. c. 30. and who shall not have ale-licences on July 5, 1788, the monies paid under that act, since their ale-licences expired.

Stage-Coaches.

28 G. 3. c. 57.

BY this act for limiting the number of persons to be carried on the outside of stage coaches or other carriages, it is enacted, that, from and after Nov. 1, 1788, only six passengers shall ride or go upon the roof, and two, besides the driver, upon the box, of any stage coach, or other carriage travelling for hire, on pain that every driver so offending, and being convicted of such offence, either by confession, the view of a justice of the peace, or by the oath or oaths of one or more credible witness or witnesses, before any justice of the peace acting in and for the county, city, division, or place where such offence shall be committed (which oath every such justice is hereby authorized and required to administer) shall, for every outside passenger, over and above the number herein allowed, forfeit the sum of 40s. and in case the driver so offending shall also be the owner of such coach, &c. then the sum of 4l. and in default of payment, the person so offending, shall be committed to the common gaol, or house of correction, there to remain, without bail or mainprize, for the space of one month, unless such penalty shall be sooner paid.

If

If the driver of any coach, &c. travelling with a greater number, than is allowed by this act, cannot be found, or shall not attend in pursuance of any summons, requiring his appearance before a justice of the peace, upon a complaint and information laid against him, then, the owner or proprietor of such coach, &c. shall be liable to the penalty hereby laid upon such driver. 28 G. 3. c. 57.

If any constable, or other peace-officer shall refuse or neglect to execute any warrant granted by any justice of the peace, pursuant to the directions of this act, every such person so offending, and being convicted thereof before one or more justice or justices, by confession, or upon the oath of one or more credible witness or witnesses, shall for every such offence forfeit the sum of 40s. and if the person so convicted doth not forthwith pay, or secure to be paid, the said penalty, such justice or justices of the peace may commit such person to the common gaol, or house of correction, for any time not exceeding one month, unless the penalty shall be sooner paid.

All penalties by this act imposed shall be paid, one half to the informer, and the other half to the surveyor of the highways, to be laid out in the amendment or repair of the public roads or highways within such parish or place, where the offence shall be committed.

The form of proceedings set forth in the following schedule, shall be used on all occasions.

SUMMONS for any person or persons to attend a justice.

Middlesex.

To A. B. of

Whereas complaint and information hath been made upon oath, before me C. D. one of his Majesty's justices of the peace for the said [county, &c.] by E. F. of

That, Here state the nature and circumstances of the case, as far as it shall be necessary to shew the offence, and to bring it within the authority of the justice; and in doing that, follow the words of the act as near as may be] These are therefore to require you personally to appear before me at

in the said [county, &c.] on the day of next at the hour of in the noon, to answer to the said complaint and information made by the said E. F. who is likewise directed to be then and there present to make good the same Herein fail not.

Given under my hand and seal, this one thousand seven hundred

X x x 2

day of

INFOR-

INFORMATION.

28 G. 3. c. 57. Middlesex. *Be it remembered, that on the*
day of *one thousand seven hundred*
A. B. of *in the said county, informeth and*
maketh oath before me *one of his Majesty's jus-*
tices of the peace for the said county, that *of*
in the said county,
 [Here describe the offence particularly, and
 follow the words of the act as near as may be) *contrary to the*
statute made in the 28th year of the reign of King George the
third, for [Here insert the title of the act] which hath im-
posed a forfeiture of *for the said offence.*
Taken and sworn the *day of*
before me,

C. D.

FORM OF CONVICTION.

Middlesex. *Be it remembered, that, on the*
day of *in the year of our Lord one thousand seven*
hundred *at* *in the county of*
aforsaid, A. B. came before me C. D. one of his Majesty's jus-
tices of the peace for the said county, &c. and informed me,
that E. F. of *on the* *day of*
now last past, at *in the said county, did*
 [Here set forth the fact in the manner described by the act]
whereupon the said E. F. after being duly summoned to answer the
said charge, appeared before me *on the*
day of *at* *in the said county, and*
having heard the charge contained in the said information, de-
clared that he was not guilty of the said offence; but the same
being fully proved upon the oath of G. H. a credible witness, it
manifestly appears to me the said justice, that he the said E. F.
is guilty of the offence charged upon him in the said information: It
is, therefore, considered and adjudged by me the said justice, that
he the said E. F. be convicted, and I do hereby convict him of the
offence aforsaid; and I do hereby declare and adjudge, that he the
said E. F. hath forfeited the sum of *of lawful*
money of Great Britain, for the offence aforsaid, to be distributed
as the law directs, according to the form of the statute in that case
made and provided.

Given under my hand and seal, the
one thousand seven hundred

day of

The

The following to be inserted where the party refuses to appear upon the summons:

After the words, "*being duly summoned to answer to the said*" 28 G. 3. c. 57.
 "charge," insert (*did not appear before me pursuant to the said summons*) or, (*did neglect and refuse to make any defence against the said charge, but the same being fully proved, &c.*) as before.

The following to be inserted when the party accused confesses the charge:

After the words, "*contained in the said information,*" insert (*acknowledged and voluntarily confessed the same to be true, and it manifestly appears to me the said justice, &c.*) as above.

Theatres licensed.

BY this act, justices of the peace may, at the general or 28 G. 3. c. 30.
 quarter sessions, at their discretion, grant licences for the performance of plays, &c. under the restrictions herein specified, that is to say, Within any city, town, or place, situate within the limits of their jurisdiction, for any number of days, not exceeding 60 days, to commence within the next six months, and to be within the space of four months*, to be specified in the said licence. Only one licence shall be in use at the same time within the jurisdiction so given, and such place not to be within 20 miles of London, Westminster, or Edinburgh, or within eight miles of any patent or licensed theatre, or within ten miles of the residence of his majesty, his heirs or successors, or of any place within the same jurisdiction, at which, within six months preceding, a licence under this act shall have been had and exercised, or within 14 miles of either Oxford or Cambridge, or within two miles of the outward limits of any city, town, or place, having peculiar jurisdiction; nor where any licence under this act shall have been had and exercised at the same place, within eight months then next preceding.

Licences are not to be granted within any place having peculiar jurisdiction, without the consent of the majority of the justices acting for such jurisdiction; or unless an express condition shall be therein inserted, that the same shall not be valid and effectual until it have been approved by such majority, at a meeting holden expressly for taking the same into consideration.

No licence shall be granted, unless three week's notice be given to the mayor, &c. previous to the application for a licence.

* There seems to be some error in the framing of this sentence. Query, Should not the numbers *six* and *four* in the above passage be transposed?

Thread made up in Ounces, &c.

28 G. 3. c. 17.

FROM June 1, 1788, reels of less circumference than one yard, used in making ounce thread, are to be forfeited, and also 5l.

All ounce or nun's thread manufactured in Great Britain, shall be made up in hanks, ounces, quarters, and pounds, avoirdupoise weight, each hank containing 30 threads or rounds of the said reel of one yard or 36 inches in circumference, of the same quality and fineness; and each ounce containing a particular number of such hanks entire, of the same quality and fineness, and no fractions or broken parts of a hank; and each quarter containing four such ounces, of the same quality and fineness; and each pound containing four such quarters, of the same quality and fineness; and the cover of each pound or smaller package of such thread shall be marked with a stamp, ascertaining the contents of such package to be ounce or nun's thread, and specifying the number of hanks in each ounce thereof, and expressing the manufacturer's name and place of abode. Persons making up ounce thread contrary hereto, or selling the same, shall forfeit the thread, and 10l. for each pound weight thereof.

Nothing in this act contained shall extend to thread of 40 threads in the hank, manufactured prior to June 1, 1788.

Persons counterfeiting stamps, shall forfeit the same, and the thread, and also 10l.

Any two or more justices of the peace of the county, riding, division, city, town, or place, within which any offence against this act shall be committed, or within which the offenders shall reside or be found, may hear and determine all offences against this act, on information exhibited, or complaint to them made in writing; and upon proof made thereof, either by confession, or examination of the party accused, or by the oath of two or more credible witnesses, may give judgement for the forfeitures and penalties, according as is and by this act is directed, and may issue their warrant for carrying such sentences into execution, and for levying the penalties by distress and sale (if not redeemed within 10 days) of the offenders goods or effects; and for want of distress, may commit the offenders to gaol for the space of three months, unless such penalties be sooner paid and satisfied.

Persons aggrieved may appeal to the general quarter sessions, upon giving security to make good the sentence, and to pay such costs as shall be ordered in case such judgment shall be affirmed.

The justices may mitigate the said penalties, provided that such penalties shall in no case be reduced below one half, and the full costs of the prosecution.

If any person or persons shall be summoned as a witness or witnesses to give evidence before such justices, and shall neglect or refuse to appear, without a reasonable excuse, every such person shall forfeit, to and for the use of the prosecutor, the sum of 5l. besides being liable to be compelled to appear and give evidence by means of another summons. 28 G. 3. c. 17.

Wool, Sheep, and Woollen Manufactures.

IF live sheep or lambs be conveyed out of Great-Britain, or Jersey, Guernsey, Alderney, Sark, or Man, they and the vessel shall be forfeited for the benefit of any person or persons seizing the same; and the persons assisting therein shall pay 3l. for each sheep, and suffer three months imprisonment; and for a subsequent offence, 5l. for each sheep, and suffer six months imprisonment; all which forfeitures shall be for the benefit of the person or persons who shall sue for the same. [But this shall not extend to live wether sheep carried for the diet of the crew and passengers, by virtue of a licence specifying the number of sheep so to be put on board, and shipped in the presence of the proper officers;] upon pain that the sheep so put on board shall become forfeited to the person or persons seizing the same; and the person or persons attempting to ship the same shall, for every such offence, forfeit and pay the sum of 20s. for every such sheep, to the person or persons who shall inform thereof. 28 G. 3. c. 38.

Persons conveying wool, &c. out of Great-Britain or Jersey, &c. and the owners of ships, carts, horses, &c. or revenue officers, exporting, or assisting in the exportation of sheep, wool, &c. shall forfeit for the first offence 3s. for every pound of such wool, &c. or the sum of 50l. of lawful money of Great-Britain in the whole, at the election of the person or persons who shall sue for the same, and shall also suffer solitary* imprisonment in the common gaol or house of correction of the county, &c. wherein such offender or offenders shall be respectively convicted, for the space of three calendar months, without bail or mainprize, and until the penalty in which he, she, or they shall be convicted shall be paid, so as the whole of such imprisonment for the non-payment of such penalty shall not exceed the space of 12 calendar months;

* The reader will be pleased to find, that *Solitary Imprisonment* is here pointed out as a proper mode of punishment by the legislature in this statute. And the oftener the Magistrate has recourse to it in his sentence for other offences, in those counties and places, wherein provision is made for carrying it into execution, the greater benefit will the public, as well as every individual, derive from it.

upon

28 G. 3. c. 38. upon every second, or other subsequent conviction, they shall forfeit 3s. for every pound of such wool, &c. or the sum of 50l. and shall also suffer solitary imprisonment for the space of six calendar months, or not exceeding the space of two years. The forfeitures to go to the persons suing for them.

The wool, &c. conveyed contrary to this act, with the vessel, carriages, and horses, shall be forfeited for the benefit of the person or persons who shall seize the same.

If wool and woollen articles intended to be sent coastwise, be carried towards the sea without entry thereof having been made, they shall be forfeited; and also the horse or horses, or beast, cart, waggon, or other carriages conveying the same, for the benefit of the person or persons who shall seize thereupon; but this shall not extend to wool carrying from the place of shearing to the owner's house, though within five miles of the sea, if the quantity be certified to the officer of the next port, as also the intention to remove it; which officer is to register such certificates; and if there be no port within five miles, such certificates are to be given to one of his majesty's justices of the peace, or any officer of his majesty's revenue, nearest to the dwelling-house or houses of such person or persons.

The quantity of wool of sheep shorn for market between March 1 and July 1, need not be certified till after the general shearing, if three days' previous notice of the removal be certified.

Persons authorised and qualified so to do, may seize, take, and challenge, to and for his and their own use and benefit, all such wool and woollen articles, fuller's earth, &c. as he or they see brought or laid on shore, at or near the sea, to be exported out of Great-Britain, or out of the isles aforesaid, or any of them, and the offender shall be subject to the like forfeiture and penalties as persons by this act are subject unto for exporting, transporting, or shipping of wool, woollen articles, &c.

But wool for the use of the isles of Jersey, &c. may be exported from Southampton under the regulations of this act; and provided such wool be shipped on board some vessel then the property of some person or persons residing within one of the said isles, and so as such person and persons as shall put on board such wool in any such vessel, do, before the shipping such wool, deliver unto the collector or searcher of the port of Southampton, a writing under the hand and seal of the governor of the said isle of Jersey, or his deputy, and under the hand and seal of the said governor of Guernsey, or his deputy, as to the wool which is to be exported to the said isles, or any of them; in which writing it shall be expressed that the said party hath entered into sufficient bond to his majesty's use for the landing of the said wool in manner aforesaid.

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The quantity of uncombed wool to be exported out of the port of Southampton unto the isle of Jersey, shall not exceed 4000 tods; to the Isle of Guernsey, 2000 tods; to the isle of Alderney, 400 tods; and to the Isle of Sark, 200 tods; each tod not exceeding 32 pounds. 28 G. 3. c. 38.

The customer of Southampton shall be displaced, and forfeit 50*l.* if he permits a larger than the allowed quantity of wool to be laden; one moiety to the king, and the other to him that will sue for the same.

The governors of the said isles, &c. authorising a larger quantity to be exported, shall forfeit 20*l.* per tod; one moiety to the king, and the other to him or them that will sue for the same.

No wool, or woollen articles, fuller's earth, &c. shall be put on board any vessel, except that of a natural-born subject resident in Great-Britain.

No persons residing within 15 miles of the sea, in the counties of Kent and Sussex, shall presume to buy any wool, before they enter into bond to the king's majesty, that all the wool they buy shall not be sold by them to any person or persons within 15 miles of the sea.

It shall and may be lawful for any buyer or manufacturer of wool within the counties of Kent and Sussex, residing within 15 miles of the sea, having given bond, with sureties, to sell such wool to any buyer or manufacturer of wool within the said counties, who has also given such bond, and to remove and lodge the same at the warehouse of the person or persons to whom the same shall be sold, and who has entered into such bond as often as shall be thought necessary, although the person purchasing the same shall live within 15 miles of the sea, such wool being removed, and notice given of the lodging and housing thereof, as required by 9 and 10 *W.* 3.

Wool shorn or housed within 10 miles of the sea in Kent and Sussex, or either of them, may be carried to any fair for the sale of wool; and if not sold, may be brought back to the house or place from whence the same had been taken; if a permit be taken out, containing the quantity of the wool to be removed, and to continue in force for and during such time as may be necessary for the removal and bringing back of the same, in case it shall not be sold at such fair, and the proper officers are hereby required to grant such permits.

Every permit shall accompany the wool; to be produced by the purchaser thereof to the proper officer or officers, who shall then grant to such purchaser another permit, for the taking such wool from such fair, which permit shall specify the quantity of wool to be moved, and the time during which it shall continue in force.

Wool returned unsold from fairs, shall be subject to the same rules as before removal.

If any person shall counterfeit or alter any certificate or licence,

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cence, certificate or instrument, he, she, or they, so offending, shall forfeit and pay the sum of 20l. to any person or persons who shall sue for the same.

28 G. 3. c. 38.

No wool, or any other the aforesaid woollen articles, shall be removed towards the sea, within five miles of the sea coast, between sun-setting and sun-rising, upon pain of the same being forfeited, together with the horses, &c. for the benefit of the person or persons seizing the same; and the driver knowing thereof, and being thereof convicted, shall be committed to the house of correction for the space of one month, there to remain without bail or mainprize;—but this is not to extend to wool shorn and carried after sun-setting, the same day, to the owners' houses.

Worsted yarn, not exceeding 14lb. prepared for knitting, may be carried to retail-shops, &c. provided such parcel be marked according to the directions of the act or acts of Parliament requiring the marking thereof.

No wool, wool-fels, mortlings, shortlings, wool-flocks, worsted bay, or woollen yarn shall be packed up in any other package than packs or trusses of leather or canvass, commonly called pack cloths, or in linen or woollen; to be marked on the outside thereof with the word WOOL, in large characters, not less than three inches in length, on pain of forfeiture of all such wool, or other articles, to the person seizing the same, and also of any sum not exceeding 1s. for every pound of such wool, or other articles so seized, to the person or persons seizing the same, as the court of justices before whom such wool, or other the aforesaid articles, shall be condemned, shall direct; but worsted yarn may be packed in paper, if marked with the word *worsted* or *yarn*, as the case may be, and if the quantity in any one such paper contained, do not exceed 14 pounds in weight.

The justices before whom any complaint or information respecting the word WOOL not being marked on the outside of the package, shall be made, may order the wool, and other the said articles which shall have been seized, to be returned to the owner or owners thereof; but the forfeiture or penalty shall not be mitigated below 6d. for every pound weight of such wool, or articles so seized.

Wool, or woollen articles, packed otherwise than according to the directions herein-before contained, or pressed together, with screws or other engine, or put into any butt, pipe, chest, or other vessel, upon any pretence whatsoever, shall be forfeited; and 3s. shall be paid for every pound of wool, or other woollen articles, so packed, to be paid by the owner or packer of such wool, &c. to the person or persons who shall seize the same, or sue for such forfeiture.

Every person so offending, and all persons assisting in such packing, shall, over and above the penalties and forfeitures before mentioned, be subject and liable to the pains and penalties

nalties to be inflicted upon exporters of wool; and the court and justices by and before whom such person or persons shall be tried and convicted, shall have and hereby have power and authority to punish every such offender accordingly. Persons assisting in such illegal package, giving information of the master packer, &c. before any of his majesty's justices of the peace, so that he, she, or they may be prosecuted to conviction, shall not be liable to the pains and penalties aforesaid, but shall be entitled to the wool, or woollen articles so packed.

If the master packer, or any person or persons assisting in such package, shall, before any information, discover to any justice of the peace the name of the person by whom he, she, or they was or were employed to pack or press the same, so that such person may be prosecuted to conviction, such master packer, or the person who shall give such information, shall not be liable to the penalties aforesaid, and shall be entitled to the wool, or other woollen articles so sent to be packed, and the person directing such wool, or woollen articles, to be packed, shall, on conviction for the same, be liable to the pains and penalties to be inflicted on exporters of wool. 28 G. 3. c. 38.

Wharfingers are to enter into bond not illegally to ship wool, and to keep an account of wool by them received and delivered; a copy of which account shall be delivered to the principal officers of the customs, at the port at which such wharfinger shall reside, at the end of every six months, and oftener if the same shall be required by such officer; and if any wharfinger shall refuse to enter into such bond, he shall forfeit and pay the sum of 200l. to the person who shall sue for the same; and if he shall keep or deliver a false account, he shall, for every such offence, forfeit the sum of 50l. to be paid to the person who shall sue for the same; and if he shall knowingly permit any wool to be put on board any vessel, otherwise than according to the directions of this act, he and every person assisting therein, shall on conviction be liable to the pains and penalties enacted against the exporters of wool; and every informer shall be entitled to the sum of 40l. to be paid by the commissioners of his majesty's customs immediately after such conviction.

Wharfingers are to give an account to the proper officer of the quantity of wool received, on penalty of 10l.

If wool, &c. be not shipped to be carried coastwise, according to this act, it shall be forfeited, with the vessel.

No person, except an officer of the customs, excise, or salt duties, and commanders of king's ships, shall seize sheep, &c. without a constable, or other officer of the peace, who is hereby required, on application, immediately to attend the person or persons applying for such assistance. And if any constable or other officer of the peace, or if any officer of his majesty's customs, excise, or salt duties, upon application made, shall neglect or refuse to attend any person or persons who

shall make such application, or shall neglect his duty in the premises, every such constable, or other officer, shall forfeit for every such offence the sum of twenty pounds, one moiety, after deducting the costs to the person suing for the same, and the other to the use of the poor of the parish where the offence shall have been committed.

28 G. 3. c. 38.

If any person, putting this act in execution, shall be hindered, or opposed, in seizing or attempting to seize any sheep, wool, &c. the person who shall so hinder or oppose, being armed or disguised, shall, by order of the court before whom such offender shall be convicted, be transported beyond the seas, not exceeding seven years.

If any person shall offer a bribe, to any officer or other person to connive at the exportation or concealment of sheep, wool, or other articles, every person so offending shall forfeit the sum of three hundred pounds, to be applied to the use of the informer, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at Westminster, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

Prosecutions may be commenced in any court of record at Westminster, &c. or at the quarter sessions of the peace, or before any two justices of the peace for any county, city, or place in this kingdom, in a summary way, at the election of the seizer or informer; but no prosecution or information shall be had, or proceeded upon, before any two such justices of the peace in a summary way, where the penalty, or forfeiture shall exceed, the sum of two hundred pounds.

The justices at any general quarter sessions of the peace, and also such aforesaid two justices, are empowered and required to order all forfeited ships, vessels, goods, carriages, and cattle, to be publickly sold to the highest bidder, at such time and place as they shall think proper.

The penalties, except the penalties of the bonds, are to be applied, half to the informer and half to the officer assisting in making the seizures, or to the officers only, if no information was made.

Persons exporting sheep, &c. may be carried before any neighbouring justice, who may commit them to gaol, till the next general quarter sessions of the peace, there to be tried and dealt with as by this act is directed.

The officer who shall convey any offender before any justice of the peace as aforesaid shall, in case such offender shall be committed to prison, enter into recognizance before such justice, in the sum of forty pounds, to appear at such general quarter sessions of the peace, and to prosecute the person so committed.

If it shall appear to the justices before whom any offender shall be convicted, that such offender hath not goods or chat-

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tels sufficient to answer the penalties recovered, the justices who shall have convicted such offender or offenders, or any other two justices of the same county, division, borough, town, or place, shall commit every such offender to the common gaol or house of correction for any time not exceeding three calendar months, unless the whole of such penalty or penalties shall be sooner paid.

But if any offender, before his actual commitment, shall procure two sufficient sureties for the payment of the penalties by him incurred, with the charges, within the space of 14 days, exclusive of the day of conviction, such justices may accept such security, and upon non-payment thereof, the same or any other two justices of the peace for the same county, division, or place, may cause the party convicted, and his sureties, to be apprehended by warrant or warrants under his or their hands and seals, and them, and each and every of them, may commit to the common gaol or house of correction, for such space of time as the party convicted was subject and liable to have been imprisoned, in case no such security had been given, unless such penalty and charges shall be sooner paid.

Appeals from justices may be made to the quarter sessions on giving notice of such appeal within 14 days after the conviction, and on two sureties entering into recognizances, to appear and prosecute such appeal; and in case such judgment, or conviction, so appealed against, shall be affirmed, the party so appealing shall pay unto the informer or informers double costs, to be ascertained by the order of the same court; and if the appellant pay the penalty, or be in prison, he may enter into recognizances without sureties.

Justices may summon witnesses; and the persons so summoned shall appear at the time and place specified, and submit in all things to be examined as witnesses in the premises.

Actions and informations shall be tried by a jury of freeholders of a different county from that wherein the fact was committed.

No person shall be liable to be prosecuted for any offence against this act, unless such prosecution shall be commenced within the space of three years.

The first three persons concerned in exporting sheep, &c. not being the owners, who shall inform thereof, shall be exempted from penalties.

If any owner of a vessel, or any person aiding or assisting in loading any vessel, knowing of such exportation of sheep, wool, or of any of the articles before enumerated, shall, within three months after the knowledge thereof, or after his return into the kingdom of Great-Britain, give the first information thereof before any of the barons of the court of Exchequer, or before the head officer of any port where he shall first arrive, or before any justice or justices of the peace, upon his oath, of the

28 G. 3. c. 38.

the number and quantity of the said articles so carried, conveyed, and transported, and by whom, where, and in what ship or vessel, and shall enter into recognizance, before any justice of the peace, in the sum of forty pounds, personally to appear and give evidence of the same, such person or persons so aiding or assisting therein, shall not be liable to any of the penalties or forfeitures in this act contained for the offence aforesaid, but shall be enabled to receive such benefit as is appointed to be received by this act on conviction of such offenders.

23 G. 3. c. 38.

The penalty imposed by former acts, viz. 23 *Hen.* viii. c. 17, and 13 *Eliz.* c. 25, on deceitful winding of wool, is by this act, increased to 2s. per fleece, the whole to be to the prover thereof. Offences against those acts may be determined by a justice in a summary way. The person or persons against whom any such information shall be laid, to be summoned at a certain time and place to be fixed by such justice, who is hereby authorized, and required, upon the appearance or default of such person or persons, to examine into and give judgement in the premises.

Complaints for deceitful winding of wool are to be discharged by such justice, if there appears no intention to defraud. The aforesaid penalty, if not paid in six days, shall be levied by distress.

Persons complained of for selling wool deceitfully wound, may, if it was done without their privity, require the appearance of the party that so wound it, before a justice, who is to determine the matter, &c. and if it shall appear to the said justice, that the wool complained of had been actually wound falsely by the person charged by the seller thereof, without the knowledge, or consent of the seller; in every such case, the person who had actually wound or folded such wool (and not the seller thereof) shall be subject and liable to the penalties; but if it shall appear otherwise to such justice, or if it shall appear and be determined otherwise upon the hearing of the appeal, the seller of the wool shall be subject to such penalties, as aforesaid; and in case of nonpayment by the person who shall have been convicted of having actually, falsely and deceitfully wound or folded such wool, every such person shall be committed to the common gaol or house of correction, for any time not exceeding three calendar months, nor less than twenty-one days, unless the penalty and costs (if any) shall be sooner paid and satisfied.

Persons aggrieved by the judgment of any such justice of the peace, may appeal to the next general or quarter sessions of the peace to be held for the division, in or for which such justice shall have acted, such person or persons giving, within five days then next after such conviction, notice in writing to the respondent in such appeal, and entering into recognizance

zance before the said justice or justices of the peace, to appear and prosecute such appeal at the said general or quarter sessions, and abide by the order of the said court, and to pay such costs and charges, as shall appear just and reasonable to the said justices.

No conviction shall be set aside for want of form.—Justices 28 G. 3. c. 58.
at the quarter sessions may administer to persons properly qualified to be sworn winders of wool, the following oath, which is to be entered in the records of the sessions;

I A. B. do swear, That I will truly and justly, without deceit, wind and fold all and singular the wool which I shall take upon me to wind and fold, without leaving or putting any clay, lead, stones, sand, tails, deceitful locks, lambs wool, or any other thing, whereby the fleece may be made more weighty, to the deceit and loss of the buyer; and that I will not use any other deceit, craft, guile, or fraud, in the winding or folding of any such afore-said wool.
So help me GOD.

But persons not so sworn may be employed.—No prosecution shall be commenced for offences prior to May 1, 1788, against the laws respecting the exportation of live sheep, &c. but the penalties, forfeitures, shall be wholly pardoned and released.—His Majesty's share of fines now due, or which may become due in prosecutions now pending, shall be remitted, and a reversal of outlawry may be applied for.

In actions brought by persons claiming the benefit of this act against officers, &c. for any thing done in regard to matters hereby discharged, they may plead the general issue.

This act is not to extend to the discharge of any seizure of wool, &c. or any prosecution now depending, in respect to such parts of fines as belong to the informer; but such suits may be proceeded on.

In case any action, suit, or information shall be brought, on account of the seizure of any vessel, carriage, horse, &c. or of any sheep, wool, or woollen yarn, fullers earth, &c. as illegally carried or exported, or intended so to be, or for any thing done by virtue of this act, such actions shall be commenced within six months after the fact committed, and not afterwards, and shall be laid in the proper county where the fact was done or committed.

If in any action for a seizure a verdict be found for the claimer, he shall not be entitled to costs, if the court or judge before whom such action or prosecution shall be tried, shall certify on the said record, that there was a probable cause for such seizure.

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A P P E N D I X,

CONTAINING THE

ACTS OF 29 GEORGE III.

Gaols.

At the quarter-session next after the session of parliament, 1789, and at the Michaelmas session annually, a certificate in the form annexed, shall be delivered by every gaoler to the chairman, read in open court, in the presence of the grand jury, and entered upon record as part of the minutes of the said session.

The said court of quarter-session shall thereupon take the said certificate into their consideration, and summon any person or persons named therein to appear before them, and shall give such directions, and make such orders relative to any of the matters contained in such certificate, as to such justices shall seem meet, and shall and may take security from any person or persons whom the same may concern for his or their due compliance therewith.

If any gaoler or other officer, having the care or superintendence of any gaol, being a county-gaol, shall neglect to deliver, or cause to be delivered, such certificate as aforesaid, he shall forfeit for every such offence the sum of 50*l.* and, not being a county-gaol, the sum of 20*l.* to be recovered by any person who shall sue for the same.

Certificate referred to by this act.

to wit. { At the general quarter sessions of the peace for the
holden at this
day of in the year of our Lord
the certificate of in pursuance of the statute
in this case made and provided, respecting the gaol of

22 & 23 C. 2. c. 20, enacts, that felons and debtors shall be kept separate, under penalties upon the sheriff or gaoler.

4 A

24 G. 2.

29 G. 3. c. 67.

24 G. 2. c. 40. enacts, That no gaoler shall sell, lend, use, or give away, or suffer spirituous liquors within any gaol, under a penalty.

2. That a copy of the clause last mentioned, as also of two other clauses respecting the same, shall be hung up in the gaol, under a penalty.

22 G. 2. c. 28. enacts, that the clerk of the peace shall cause a list of the fees payable by debtors, and the rules and orders for the government of gaols and prisons, to be hung up in the court where the assizes and sessions shall be held, and send another copy to the gaol; and the gaoler shall cause the same to be hung up in a conspicuous place in the said gaol.

13 G. 3. c. 58. enacts, that clergymen may be provided to officiate in gaols.

14 G. 3. c. 20. enacts, that persons acquitted, or discharged upon proclamation for want of prosecution, shall be discharged immediately, in open court, and without fee.

14 G. 3. c. 59. enacts, that 1. The walls and ceilings of cells in gaols shall be scraped and white-washed once in the year at least.

2. That the cells shall be kept clean; and

3. That they shall be supplied with fresh air, by ventilators or otherwise.

4. That there shall be two rooms set apart for the sick.

5. That a warm and cold bath, or bathing tubs, shall be provided.

6. That this act shall be hung up in the gaol.

7. That a surgeon or apothecary shall be appointed, with a salary.

No B. To these several articles the gaoler is expected to make a particular return.

Hawkers and Pedlars.

29 G. 3. c. 26.

THE 25 G. 3. c. 78. from Aug. 1, 1789, is repealed, so far as relates to the duties, and so far as is not re-enacted by this act.

The act of 9 & 10 W. 3. c. 27. shall be revived from the said day; so far as the same is not hereby altered or explained.

From Aug. 1, 1789, the following yearly duties are to be paid, viz.

Every hawker, pedlar, petty chapman, and every other trading person and persons, going from town to town, or to other men's houses, and travelling either on foot, or with horse, horses, or otherwise, in England, Wales, or the town of Berwick upon Tweed, carrying to sell, or exposing to sale, any goods, wares, or merchandizes, shall pay a duty of 4l. for each year.

Every

Every person so travelling with a horse, ass, or mule, or other beast bearing or drawing burthen, shall pay the sum of 4l. yearly, for each beast he or she shall so travel with, over and above the said first-mentioned duty of 4l. 2s. 6d. 29 G. 3. c. 26.

It shall not be lawful for any hawker, pedlar, or other trading person, going from town to town, or to other men's houses, and travelling either on foot or with horse or horses, either by opening a room or shop, and exposing to sale any goods by retail in any town, parish, or place, (such person not being a householder there, or the same not being the usual place of his or her abode, or of his or her carrying on business) to sell by himself or herself, or by any auctioneer (whether licensed or not) broker, appraiser, or other person, on his or her behalf, any goods or wares, by knocking down of hammer, or any other mode of sale at auction, or whereby the highest bidder shall be deemed the purchaser; and every person and persons so selling, contrary to such prohibition, shall forfeit and pay, for every offence, the sum of 50l.

Every hawker, pedlar, &c. shall, at the time of receiving his or her licence, without any discount, pay all duties imposed upon him or her respectively, to the commissioners for the time being for licensing hawkers, pedlars, and petty chapmen, or some person authorized or deputed by them, or the major part of them, in writing under their hands and seals; and upon payment thereof, and not otherwise, a licence shall be granted to them, subscribed by the said commissioners, or any two of them, for him or her to travel and trade, according to the true intent and meaning of this and the act made in the reign of King William the Third, and according to the duties which shall then be paid upon receiving such licence.

Before any person or persons shall be intitled to receive any licence to trade or travel as aforesaid, every such person or persons shall produce to the commissioner or commissioners, or their deputy or deputies, appointed for licensing hawkers, pedlars, petty chapmen, and other trading persons as aforesaid, a certificate, signed by some one clergyman officiating within the parish, chapelry, or place, wherein such person so applying for such licence has his usual residence, and also by two reputable inhabitants of the said parish, chapelry, or place, attesting that the person so applying is of good character and reputation, and is a fit person to be licensed to exercise the trade of a hawker, pedlar, and petty chapman.

The certificate so to be produced, shall be in the form or to the effect following:

We, A. B. the Minister, and C. D. and E. F. being two householders residing at

in the parish

[chapelry,

Hawkers and Pedlars.

[chapelry, or otherwise, as the case may be] of *in the county of* *do hereby certify that G. H. hath*
been known to us for the space of *years last past,*
and during all that time hath usually resided in the said parish
 [chapelry, or otherwise, as the case may be] of *and is a person of good character and reputation, and is a fit per-*
son to be licensed to exercise the trade of a hawker, pedlar, and
petty chapman. Dated the *day of*

A. B. Minister.

C. D. }
 E. F. } Household.

29. 3. c. 26.

Every person who shall trade with, or under colour of such licence, shall cause to be written, painted, or printed, in large legible Roman capitals, upon the most conspicuous part of every pack, box, bag, trunk, case, cart, or waggon, or other vehicle of conveyance, in which he or she shall carry his or her goods, wares, and merchandizes, and of every room and shop in which he or she shall so trade, and likewise upon every hand-bill or advertisement, which he or she shall give out, distribute, or publish, the words LICENSED HAWKER, together with the number, name, or other mark or marks of distinction, so written or printed upon his or her licence; and every such person, in any respect making default herein, shall forfeit, for every offence, the sum of 10l.

If any person to whom such licence shall not have been granted, shall write, paint, or print, or cause to be written, painted, or printed, upon any pack, cart, waggon, or other vehicle or conveyance, for any goods, or in any room or shop in which he or she shall sell any goods, wares, or merchandizes, the words LICENSED HAWKER, or LICENSED PEDLAR, or any other word or words to that effect; every person so offending shall forfeit, for each offence, the sum of 10l.

If any hawker, pedlar, &c. shall be convicted of dealing in, or selling any kind of smuggled, contraband, or prohibited goods, fraudulently or dishonestly procured, either by themselves, or through the medium of others with their privity and knowledge, every such trading person shall, from and after such conviction, forfeit his or her licence, and for ever thereafter be incapable of obtaining or holding any new licence; and that, over and above all such forfeitures, to which he or she shall be by law liable for such illicit and illegal trafficking and dealing.

If any such hawker, pedlar, &c. shall trade as aforesaid, without, or contrary to, or otherwise than as shall be allowed by such licence, such person shall, for each and every such offence, forfeit the sum of 10l.; and if any person trading under any licence, upon demand made by any person authorized

thorized or appointed to demand such licence, by the commissioners for licensing hawkers, pedlars, &c. for the time being, or any two of them, under their hands and seals, and upon producing or shewing such authority, or upon demand made by any justice of the peace, mayor, constable, or other officer of the peace, where he or she shall so trade, or by any officer of the customs or excise, shall refuse to produce and shew his or her licence for so trading as aforesaid, or shall not have his or her licence for so trading as aforesaid ready to produce unto such person authorized or appointed as last aforesaid, or unto such justice of the peace, &c. the person so refusing, or not having his or her licence ready to produce, shall forfeit 10l.; and for non-payment thereof, shall suffer as a common vagrant, and be committed to the house of correction.

If any person or persons whatsoever shall forge or counterfeit any licence or licences, by this act directed to be granted, or travel with, or produce any such forged or counterfeit licence, every such person shall, for every such offence, forfeit the sum of 100l. 29 G. 3. c. 26.

In case any person shall let out to hire or lend any licence, or shall trade with, or under colour of, any licence in which his or her own real name shall not be inserted, the person letting out to hire or lending any such licence, and the person so trading with any licence granted to any other person, shall each of them forfeit the sum of 40l.; and in case any person shall be convicted, or have judgment against him for lending his or her licence to any other person or persons, contrary to this act, such licence shall be from thenceforth forfeited and void, and he or she shall be utterly incapable of having any licence again granted to him or her to trade as aforesaid.

Any person or persons may seize and detain any such hawker, pedlar, &c. who shall be found trading without a licence, and who, being found trading, shall refuse or neglect to produce to such person or persons a licence according to this act, after being required so to do, for a reasonable time, in order to give notice to a constable, or other peace-officer or officers, who are hereby required to carry such persons so seized, unless they shall, in the mean time, produce their respective licences, before some one of his Majesty's justices of the peace of the county or place where such offence shall be committed, which said justice of the peace is hereby authorized and strictly required to examine into the fact, and upon due proof, either by confession of the party offending, or by the oath of one or more credible witness or witnesses, (which the said justice is hereby impowered to administer) that the person so brought before him had so traded as aforesaid, said,

said, and no such licence being produced by such offender before the said justice, to convict the offender of trading without a licence; and thereupon it shall be lawful for such justice, and he is hereby required, by warrant under his hand and seal, to cause the said sum of 40*l.* to be forthwith levied by distress and sale of the goods, wares, or merchandizes of such offender or offenders, or of the goods with which such offender or offenders shall be found trading as aforesaid, rendering the overplus, if any be, to the owner or owners thereof, after deduction of the reasonable charges for taking the said distress, and out of the said sale to pay the said respective penalties and forfeitures aforesaid; and in the mean time to commit such offender to the common gaol or house of correction of the county, riding, division, city, liberty, town, or place, where the said offence shall be committed, there to remain until the said penalties and forfeitures, and the reasonable charges of taking the said distress, shall be levied by such distress and sale as aforesaid, or until the same shall be otherwise paid or satisfied by such offender.

29 G. 3. c. 26.

If any constable, or other officer of the peace, shall refuse or neglect, upon due notice, or on his or their own view, to be aiding and assisting in the execution of this or the former act of 9*th* 10*th* W. 3. being thereunto required, every such officer, being thereof convicted, upon his confession, or by the oath of one or more credible witnesses or witnesses, before any justice of the peace where the offence shall be committed, shall forfeit for every offence the sum of 10*l.*

No hawker, pedlar, petty chapman, &c. going from town to town, or to other men's houses, or opening a room or shop, and exposing to sale any goods, wares, or merchandizes, by retail, in any town, parish, or place, such person not being a householder there, or the same not being an usual place of his or her abode, or of his or her carrying on business, shall sell, or expose to sale, any goods, wares, &c. in any city or market town in England, Wales, or the town of Berwick upon Tweed, or within the distance of two miles from the middle of the most central market place of such city or market town, by the most usual or common roads, on pain of forfeiting and paying for every such offence the sum of 10*l.*

But nothing herein contained shall extend to hinder any person or persons from selling, or exposing to sale, any sorts of goods or merchandizes in any public mart, market or fair, but such person may do therein as they lawfully might have done before the making of this act.

If any hawker, pedlar, &c. shall vend any goods in any such city, town, or place, contrary to any of the provisions in this act contained, such hawker, pedlar, &c. shall be liable to the

the like penalties as are by this act inflicted on hawkers, pedlars, or petty chapmen, or other trading persons travelling without licence.

Any person or persons who, on the first day of May 1789, was or were duly licensed to trade as hawkers and pedlars, may exercise any craft, mystery, or occupation, used or occupied within this realm, in any place where they shall be resident inhabitants, although they shall not have been brought up in such craft seven years as apprentices, and also may set any person on work in such craft, &c. although such person shall not have been apprentice therein as aforesaid; any penalty contained in an act passed in the fifth year of the reign of Queen Elizabeth, intituled, *An act containing divers orders for artificers, labourers, servants of husbandry, and apprentices*, to the contrary notwithstanding; and if prosecuted and found guilty, shall be intitled to double costs; no such persons, their wives or children, during the time they shall use and exercise such craft, mystery, or occupation, in any parish or place, shall be removeable to their last legal place of settlement, until they shall become actually chargeable. 29 G. 3. c. 26.

No person being a wholesale trader in goods, wares, or manufactures of Great-Britain, and selling the same by wholesale, shall be deemed a hawker, pedlar, or petty chapman, within the intent and meaning of this or of any other act relative to hawkers; all persons selling by wholesale only, shall go from house to house, and from shop to shop, to any of their customers, who sell again by wholesale or retail, without being subject or liable to any of the penalties or forfeitures contained in this or in any of the said acts, touching hawkers, pedlars, or petty chapmen.

Nothing in this act shall extend to prohibit any person or persons from selling any printed papers, licensed by authority, or any fish, fruit, or victuals; nor to hinder the real worker or maker of any goods, wares, or manufactures of Great-Britain, or his, her, or their children, apprentices, or known agents or servants, usually residing with such real workers or makers only, from carrying abroad and selling by retail, or otherwise, any of the said goods, wares, or manufactures, of his, her, or their own making, in any mart, market, or fair, and in every city, borough, town corporate, and market town; nor any tinkers, coopers, glaziers, plumbers, harness-menders, or other persons usually trading in mending kettles, tubs, household-goods, or harness whatsoever, from going about and carrying with him or them proper materials for mending the same.

All pecuniary penalties which shall be incurred under this act, of greater sum than 20l. shall be recovered, together with costs of suit, in any of his Majesty's courts of record at Westminster,

minister, by action of debt or information; and one moiety of every such penalty or forfeiture shall belong to his Majesty, his heirs and successors, and the other moiety thereof to the person or persons who shall inform or sue for the same.

29 G. 3. c. 26.

Where the pecuniary penalty by this act imposed doth not exceed the sum of 20*l*. it shall be recoverable before one of his Majesty's justices of the peace, where the offence shall be committed, on proof of the offence either by voluntary confession, or by the oath of one or more credible witnesses or witnesses; and one moiety of every such last mentioned penalty shall belong to his Majesty, his heirs and successors, and the other moiety to the informer or informers prosecuting for the same; and in case of non-payment, the said justice, by warrant under his hand and seal, shall cause the same to be levied by distress and sale of the offender's goods and chattels; and the overplus, after deducting the penalty and the expence of the distress and sale, shall be rendered to the owner; and shall also commit the offender to the prison of such county, &c. there to remain until the said penalties, and the reasonable charges of taking the said distress, shall be levied by such distress and sale as aforesaid, or until the same shall be paid or satisfied by such offender; and it shall be lawful for any such justice of the peace by his warrant to cause such offender to be apprehended and brought before him to answer to any charge or complaint for any such penalty, and to commit such offender to prison as aforesaid until the hearing of such charge or complaint, unless he or she shall and do enter into a recognizance before such justice, with two sufficient sureties, in a sufficient sum, to be ordered by such justice, to appear at the hearing of such charge or complaint.

No person committed to any gaol or house of correction, for any offence committed against this act, shall be detained in such gaol or house of correction, for any longer space of time than three months.

If any person or persons shall find himself, herself, or themselves aggrieved by the judgement of any such justice, then he, she, or they, shall or may, upon entering into a recognizance with two sufficient sureties, to be approved by such justice, to the amount of the value of such penalty and forfeiture, together with a sum which in the judgment of such justice shall be adequate to the amount of the costs which may be awarded, conditioned to pay the amount of such penalties, forfeitures, and costs as shall be adjudged, in case such judgment shall be affirmed, appeal to the justices of the peace, at the next general quarter sessions for the county, &c. who are hereby impowered to summon and examine witnesses upon oath, and finally to hear and determine the same, or, at their discretion, to state the facts specially for the determination of his

his Majesty's court of King's Bench thereon; and in case the judgement of such justice shall be affirmed, it shall be lawful for such justice, or the court of King's Bench, to award the person or persons to pay such costs occasioned by such appeal as to them shall seem meet.

A conviction in the form, or to the effect following, shall be good and effectual to all intents and purposes whatsoever, without stating the evidence, and without alledging more than the substance of the offence, in all cases wherein any justice of the peace hath power to convict by virtue of the present act.

29 G. 3. c. 26.

Be it remembered, That on the *day of* in the year of our Lord

A. B. came before me, *C. D.* Esquire, one of his majesty's justices of the peace for the said county, residing near the place where the offence herein-after mentioned was committed, and informed me that *E. F.* of the said county of [here set forth the fact for which the information is laid]; whereupon the said *E. F.* being duly summoned to answer the said charge, appeared before me, [and having heard the charge contained in the said information, acknowledged and voluntarily confessed the facts therein stated to be true, but in his (or her) defence alledged [here setting forth the substance of the defence]; or voluntarily confessed the said charge to be true; or did not make any defence against the said charge; whereupon the same was fully proved on the oath of *G. H.* a credible witness; or said that he (or she) was not guilty of the said offence, whereupon the same was fully proved on the oath of *G. H.* a credible witness, or as the case shall be] or did not appear before me pursuant to the said summons, but the said charge was fully proved on the oath of *G. H.* a credible witness [or as the case shall be]; and therefore it manifestly appearing to me that the said *E. F.* is guilty of the offence charged in the said information, I do hereby convict him (or her) of the said offence, and do adjudge that he (or she) hath forfeited the sum of *£* (or his (or her) licence, and the sum of *£* of lawful money of Great-Britain, to be distributed as the law directs, according to the form of the statute in such case made and provided. Given under my hand and seal, the *day of*

No conviction upon this act shall be removed or removable, by writ of certiorari or otherwise, into his Majesty's court of King's Bench, or any other court, save upon an appeal, as by this act is directed.

Every justice, before whom any person hath already been convicted of any offence, by virtue of any of the acts hereby repealed, and having received for his Majesty's use any part

or share of any penalty levied, inflicted, or paid, under such conviction, for which he has not already accounted, shall, within six months after the passing of this act, transmit to the commissioners for licensing hawkers, pedlars, and petty chapmen, a schedule or schedules, containing the names of the persons so convicted, the day on which they were convicted, their respective offences, and the respective sums now remaining in the hands of such justice for his Majesty's use; and every justice, before whom any such person shall be convicted of any offence under this act, shall take and receive his Majesty's share of the penalty levied or paid by virtue of such conviction; and every such justice, his executors or administrators, shall pay, or cause to be paid, all such sums of money as shall be remaining in his or their hands at the time of the passing of this act, at the next general quarter sessions of the peace after the passing of this act, and all such sums which he shall so take or receive upon any conviction by virtue of this act, at the next general quarter sessions of the peace after he shall have so taken or received the same, into the hands of the clerk of the peace, or other such like officer, for the county, &c. within which such conviction shall have been made, who is hereby directed to remit the same forthwith, without fee or reward, to the said commissioners for licensing hawkers, pedlars, and petty chapmen, or to such person or persons as the greater part of them shall appoint; and every such justice, his executors or administrators, shall, immediately on such payment made to any clerk of the peace, or other such officer, transmit a like schedule to the said commissioners, or to such person or persons as they, or the greater part of them, shall appoint.

29 G. 3. c. 26.

All and every the powers, authorities, penalties, and forfeitures, and all things whatsoever, which in and by the act of King William III. aforesaid or by any other law now in force concerning the duties by that act granted, are provided, settled, or established (other than so far as the same are inconsistent with, or contradictory to any thing in this act contained, and other than in such cases for which different provisions are prescribed by this act) shall be exercised and applied in managing, raising, collecting, recovering, and paying the duties hereby granted, as fully and effectually as if the said powers, authorities, &c. were particularly repeated and again enacted in this present act.

If any person shall be summoned as a witness to give evidence before any justice or justices of the peace, touching any of the matters relative to this act, or to the herein-before mentioned act, made in the reign of King William the Third, and shall neglect or refuse to appear, without a reasonable excuse, to be allowed of by such justice or justices, or appearing,

ing, shall refuse to be examined upon oath, and give evidence before such justice or justices, every such person shall forfeit, for every such offence, the sum of 10l. to be recovered as the other penalties.

The several duties herein before granted shall be paid, from time to time, into the hands of the cashier, for the time being, of the duties on hawkers, pedlars, and petty chapmen, who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges being deducted) into the receipt of the Exchequer, at such time, and in such manner, as the duties now charged on hawkers, pedlars, and petty chapmen, are directed to be paid.

29 G. 3. c. 26.

If any person or persons shall be sued for any thing by him or them done in pursuance of this act, such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or judgement shall be recovered against him or them, or if the plaintiff or plaintiffs shall discontinue his, her, or their action, or be nonprossed therein, such defendant or defendants shall have treble costs awarded to him or them, against such plaintiff or plaintiffs.

Horses' and Carriages' additional Duty.

FROM July 5, 1789, the following additional annual duties on horses and carriages are to be paid, viz.

29 G. 3. c. 49.

Where two horses are kept for riding, or for drawing any coach, chaise, or other carriage, in respect whereof any duty now transferred to the management of the commissioners for taxes is payable, there shall be charged an additional annual duty of 5s. for one of such horses, mares, or geldings.

Every person who shall keep and use three, four, or five horses, mares, or geldings, and no more, for the purpose of riding, or drawing such coach, chaise, or other carriage, shall be charged with an additional annual duty of 7s. 6d. for each such horse, mare, or gelding, exceeding the number of one.

Every person who shall keep and use six or more horses, mares, or geldings, for the purpose of riding, or for the purpose of drawing any such coach, or other carriage, shall be charged with and pay an additional annual duty of 10s. for each such horse, mare, or gelding, exceeding the number of one.

Every person who shall keep one coach, chariot, calash, chaise-marine, chaise with four wheels, or caravan, for his

or her own use, or to let out to hire, other than and except such carriages as are licensed by his Majesty's commissioners for managing the duties on hackney-coaches, shall be charged with and pay an additional yearly sum of 20s. in respect of such one coach or carriage as aforesaid.

29 G. 3. c. 49.

Every person who shall keep two coaches, chaises with four wheels, or caravans, under the above circumstances, shall be charged with an additional duty of 20s. for one of such carriages, and an additional yearly sum of 2l. for every other of such carriages.

Every person who shall keep three or more coaches, charrs, chaises with four wheels, or caravans, or three or more of any such carriages, for his or her own use, or to let out to hire, other than and except such as are before excepted, shall be charged with and pay an additional yearly sum of 20s. for one of such carriages, and an additional yearly sum of 3l. for every other of such carriages.

The said several yearly sums shall be paid over and above, and in addition to any former duties charged upon horses and carriages, and now placed under the management of the commissioners for the affairs of taxes. No duty imposed by this act shall extend to horses exempted from duty by 24 G. 3. c. 31. or any subsequent act.

The duties imposed by 24 G. 3. and by this act, on horses let out by the year, month, or other period, for drawing coaches, &c. shall be paid by the person or persons respectively by whom such horses shall be hired and used.

These additional duties are not to extend to carriages let out to travel post, by any person licensed to let post horses.

From July 5, 1789, no licence is to be granted to exercise the business of a horse dealer, unless the person shall produce to the commissioners, or the person authorized by them, a declaration in writing, signed by him, that he seeks his living by buying and selling of horses, and shall set forth the place where such trade and business is to be carried on; and every licence granted, or to be granted, to any person other than to such as shall seek his living by buying and selling horses, shall be wholly void.

If horse-dealers keep horses for riding or drawing, and neglect to give in a list thereof, the assessors may charge the duty for such number, as from information they learn are so kept; notwithstanding the licence to them granted, or any thing in this or the said recited acts contained to the contrary thereof.

The several duties are to be paid quarterly, the first payment on October 10, 1789.

The duties are to be paid into the Exchequer, and carried to the consolidated fund.

The

The new duties charged by this act on horses and on carriages shall be assessed, raised, levied, collected, and received by such persons, in such and the like form and manner, and with such allowances, and under such penalties, forfeitures, and disabilities, and with such power for recovering and enforcing the same, and according to such rules, methods, and directions, as are prescribed or appointed for assessing, raising, levying, collecting, recovering, and paying, the former duties on horses and carriages respectively, by the act of 25 G. 3. c. 47. or by any other act or acts therein recited or referred to, or by any other law now in force relating to his Majesty's revenues upon houses, windows, and lights, or either of them; and all the powers, authorities, rules, and directions, penalties, forfeitures, &c. now in force, contained in the said act of 25 G. 3. c. 47. relative to the duties on horses and carriages, or either of them, or in any subsequent act relating thereto, for assessing, raising, levying, and paying, the rates and duties by the said acts, shall be in full force, for assessing, collecting, and paying, the duties by this act directed.

The commissioners for putting in execution the act of 25 G. 3. are to put this in execution, and to hold their first meeting on July 10, 1789; and afterwards in like manner to meet yearly at such days or times as the said commissioners shall think proper to appoint, before the 30th of April yearly, and shall then divide themselves to act in separate districts, and proceed in the execution of this act.

If by any neglect or default there shall not have been a meeting of the commissioners, and a due execution of the several powers by this or the said act of 25 G. 3. c. 47. at the time prescribed, they may meet at any other time or times as there shall be occasion; and all such meetings and acts of the said commissioners, or any two or more of them, shall be deemed good and valid, to all intents and purposes, notwithstanding any such omission or defect as aforesaid.

No commissioner to act till he has taken the following oath; on pain of forfeiting 100l.

I, A. B. do swear, that I will truly and faithfully execute the office of a commissioner, and will determine all appeals which shall be brought before me, to the best of my skill and judgement, pursuant to the act of parliament in that behalf.

So help me God,

Which oath any two or more of the commissioners are hereby authorized to administer.

Commissioners are to give notice to their assessors of their appointment.

29 G. 3. c. 49.

If no assessors are appointed, or they neglect their duty, the surveyors or inspectors under 25 G. 3. or any of the acts relating to houses, windows, &c. may act as assessors; and they are hereby required to do and perform such and the like services as by this act are required of such assessors.

Every person appointed as aforesaid, or any surveyor or inspector hereby authorized to act in the execution of the said office or employment, shall take and subscribe, besides the oaths or solemn affirmations to be taken or made and subscribed by assessors, by any other act or acts of parliament relative to the said duties, an oath, or solemn affirmation, in the following form (that is to say)

I, A. B. do swear [or affirm, as the case may require] that in the assessment which I am required to make in pursuance of the act of parliament in that case made and provided, I will act without favour or affection, and according to the best of my skill and knowledge. So help me God.

Which oath or affirmation any two or more of the commissioners where the assessments are to be made, are hereby authorized and required to administer; and if any person so appointed to act as surveyor, assessor, or inspector, shall presume to act in the execution of the said office or employment before he shall have taken the aforesaid oath or affirmation, he shall forfeit and pay, for every such offence, the sum of 20l.

The duties by this act granted shall and may, from time to time, be assessed, levied, and paid according to such lists in writing of the number of horses and carriages liable to the said duties, as shall be kept or used by any person or persons whatsoever, which shall from time to time be delivered to any such assessor or assessors, surveyor or surveyors, inspector or inspectors respectively, in pursuance of the said act of the 25 G. 3. c. 47. and according to the number of horses and carriages respectively contained therein, unless omissions are discovered, and then assessors are to make a surcharge.

The first assessment is to be for three-fourths of a year, from July 5, 1789, and afterwards for one year from April 5.

Every carriage with two or three wheels, to be drawn by one or more horses, which shall be used at any time for the carriage or conveyance of persons, and not generally used in the affairs of husbandry, or for the carriage of goods, wares, or merchandize, from place to place in the way of trade, shall be deemed a carriage and carriages within the meaning of the said act of 25 G. 3. for laying a duty on carriages, &c. and shall be entered and paid for accordingly; and if not so entered, the owners shall forfeit 7l. for each, upon proof of the offence before one or more justice or justices of the peace, either

either by the voluntary confession of the party, or upon the oath of one or more credible witness or witnesses; which oath the said justice or justices, to whom such information shall be given, are hereby authorized and required to administer; which forfeiture may be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such justice or justices; and the overplus of the money raised, after deducting the penalty and costs, and the expences of the distress and sale, shall be rendered to the owner, and the said justice or justices shall pay one moiety of the said penalty to the informer or informers, and the other moiety to the collectors appointed for putting in execution this present act, for the parish or place wherein the person or persons, to whom such carriage or carriages shall belong, shall reside; and the said justice or justices shall render an account thereof in writing, stating the name and place of abode of such persons respectively from whom the money has been so received, in order that the said commissioners may see the same duly added to the assessment of the respective parish or place to which the same may belong.

If any person or persons shall be sued, molested, or prosecuted for any thing done by virtue of this act, such person or persons may plead the general issue, and give this act and the special matter in evidence in his, her, or their defence; and if a verdict shall pass for the defendant, or the plaintiff, shall discontinue the action, or be non-suited, or judgement shall be given against him or her, then such defendant shall have treble costs against any such plaintiff.

29 G. 3. c. 49.

Licences for Dealers in Brandy.

WHEREAS by an act made in the 27th year of the reign of his present Majesty, it is enacted, That, from and after July 5, 1789, there should be raised, collected, and paid, unto and for the use of his Majesty, his heirs and successors, the several and respective sums in the said act mentioned, upon all licences to be taken out by all persons who shall retail any distilled spirituous liquors, or strong waters, within Great-Britain: it is hereby enacted, that persons who have taken out licences for retailing spirituous liquors, giving a month's notice to the supervisor of excise, of their intention to leave off retailing such liquors, are not to be liable to the payment of any money imposed by the said act, after they shall have so left off; but no person shall be entitled to the re-payment of any sum actually paid.

29 G. 3. c. 63.

From

29 G. 3. c. 63. From Octo 10, 1789, persons dealing in brandy without being licensed according to the act of G. 3. c. 41 and being retailers, rectifiers, or distillers, shall forfeit 100*l*. for each and every offence.

Pawnbrokers.

29 G. 3. c. 57. BY this act, the rates, or pledges for 1*l*. are 4*d*. per month, as before; and so on progressively and in proportion for any sum not exceeding 40*s*.

And for every pledge upon which there shall have been lent any sum exceeding 40*s*. and not exceeding 10*l*. at and after the rate of 3*d*. and no more, for the loan of every 20*s*. and of such money so lent, by the calendar month, including the current month; and so in proportion for any fractional sum.

Where any intermediate sum lent upon any pawn or pledge shall exceed the sum of 2*s*. 6*d*. and not exceed the sum of 40*s*. the person lending the same shall and may take, by way of profit, as aforesaid, at and after the rate of 4*d*. and no more, for the loan of 20*s*. by the calendar month, including the current month, as aforesaid.

In all other particulars, this act is the same with that of 27 G. 3. c. 37. that clause only excepted, which by 28 G. 3. c. 50. is repealed.

Stamp Duties on Wills, &c.

29 G. 3. c. 51. FROM Aug. 1, 1789, the following additional duties are required to be paid on probates of wills, &c.

For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which shall be ingrossed, written, or printed, any probate of a will, or letters of administration for any estate of or above the value of 300*l*. over and above all other rates and duties already imposed thereon, there shall be charged an additional duty of 20*s*.;—where 600*l*. or upwards, an addition of 1*l*. 10*s*.;—where 1000*l*. and upwards, an addition of 2*l*. 10*s*.;—where 2000*l*. and upwards, an addition of 3*l*. 10*s*.;—and where 5000*l*. and upwards, an addition of 5*l*.

For every receipt for a legacy, or for a share of a personal estate divided under the statute of distributions, to the amount of 400*l*. an additional stamp duty of 20*s*.; and for every further sum of 100*l*. a like additional stamp duty of 20*s*.

This

Stamp Duties on Wills, &c. I

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This act is not to extend to the wills of sailors or soldiers slain or dying in his Majesty's service; nor to legacies to the wife, children, or grand-children of the testator.

These duties are to be under the management of the commissioners of stamps.

One stamp may be provided to denote the former and the present duties.

All vellum, parchment, and paper, liable to the duties hereby charged, shall, before the same shall be ingrossed, printed, or written upon, be brought to the head office for stamping; and the said commissioners, or their officers, shall forthwith, upon demand, stamp any quantities or parcels of vellum, parchment, or paper, the persons bringing the same paying to the receiver-general of the stamp duties for the time being, or his deputy or clerk, the several duties payable for the same by virtue of this act.

And the same allowance shall be made on present payment of the said several duties granted by this act, and in such manner as by any former law relating to stamped vellum, parchment, and paper, is allowed.

Stamps may be altered and renewed; and all persons who shall have in their custody or possession any vellum, parchment, or paper, marked with any stamp or mark before the same shall have been so altered or renewed, shall have the like remedy and allowance as by any former law, relating to stamps, is directed.

If any person shall counterfeit or forge, or use any seal, stamp, or mark, to defraud his majesty, his heirs or successors, of any of the above duties; or shall sell any vellum, parchment, or paper, liable to any stamp duty, with such counterfeit stamp or mark thereupon, knowing the same to be counterfeit, every person so offending, and being thereof lawfully convicted, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

All powers of any former act or acts of parliament relating to the stamp duties on vellum, parchment, and paper, not hereby altered, shall be of full force and effect with relation to the additional and new rates and duties hereby imposed.

The several duties are to be paid to the receiver-general of stamp duties, and carried to the consolidated fund.

If any person shall be sued, molested, or prosecuted, for any thing done or executed in pursuance of this act, such person may plead the general issue, and give the special matter in evidence for his defence; and if upon the trial a verdict shall pass for the defendant, or the plaintiff become nonsuited, then such defendant shall have treble costs against such plaintiff.

29 G. 3. c. 68.

AFTER the 10th of October, 1790, all vessels bringing tobacco into Great-Britain, of the growth of the United States, from any part of the said states, are to have on board a manifest, made out by the master or commander, before the clearing of such vessel, containing the name of the place of loading, the name and built of the vessel, the measurement or tonnage thereof, according to the register of the same, together with the christian and surname of the master or person having command, and the place to which such vessel belongs, and a true account of all the tobacco laden on board such vessel, with the number of the cases, and the particular weight of the tobacco contained in each case, together with the marks and numbers, and the tare of each such case; and such weight of the tobacco and tare shall also be marked on each such case.

By 19 G. 3. c. 35. tobacco of the growth or manufacture of Ireland, may be imported into Great-Britain, under the following conditions, to wit, that the collector and comptroller of the customs, or other chief officer of the customs, at the port of lading, shall, after the clearance of the vessel, deliver to the master or commander, a manifest, containing an account of all the tobacco, with the number of packages, and the marks of each package, and the quantity of tobacco contained therein, and the tare thereof; and shall immediately transmit a duplicate of such manifest to the commissioners of the customs in Great-Britain; which manifest is to be delivered by the master, on his arrival at his port of discharge, to the collector of the customs at the time of making his report; and any master neglecting to deliver such manifest, forfeits the sum of 100l.; and such tobacco is to be imported in casks, containing 450 pounds weight of tobacco, and is, in other respects, to be liable to the same regulations as tobacco imported from the British colonies in America.

After the 10th of October, 1790, if any tobacco shall be imported into Great-Britain, without the proper manifests, the master or commander of the vessel forfeits the sum of 200l.

The master or commander of any vessel having on board, or bringing tobacco, either from his majesty's colonies or plantations in America, or from the United States of America, shall, upon the arrival of the vessel within the limits of any of the ports of Great-Britain, or within four leagues of the coasts, produce and deliver to the officers of the customs or excise, who shall come on board such vessel, his manifest, or a true copy thereof; and the officer shall certify such production, or receipt of such copy, on the back thereof; and the first officer of the customs, who shall come on board, shall fasten and lock down the hatchways leading to the place of stowage in such vessel; or upon the neglect of the first officer, then any other officer of the customs shall do the same: and the master or commander shall

shall cause the assistance of a sufficient number of the crew to be given to such officer: and if any master or commander shall fail in any of the respects above-mentioned, or if any such hatch-way shall be afterwards opened, or if any of the fastenings shall be afterwards broken or damaged, before being opened by the proper officer or officers of the customs, he shall forfeit 200*l*.

If, after the arrival of any vessel having tobacco on board, within the limits above-mentioned, bulk shall be broken before the proper officers of the customs shall have authorized the unloading thereof, such tobacco, with the vessel and her appurtenances, shall be forfeited, and may be seized by any of the officers of the customs or excise, and such master or other person shall forfeit the sum of 200*l*. 29 G. 3. c. 68.

If any tobacco or snuff, imported into Great-Britain, shall be landed in Great-Britain, without a warrant signed by the proper officers of the customs and excise, and without their presence, all such tobacco and snuff, and the packages, with the vessel in which the same shall be imported, shall be forfeited, and may be seized, and the proprietor, importer, or consignee, of such articles, and the master, mate, or other person or persons, having the charge of such ship or vessel, and every person who shall be in anywise concerned in the unshipping or delivery of such articles, or to whose custody or possession they shall afterwards come, he, she, or they, knowing the same to have been so unshipped, shall forfeit treble the value of such tobacco or snuff respectively, to be estimated according to the highest London price of such articles.

Certain places are to be appointed by the commissioners of the customs, at which vessels arriving with tobacco are to be moored, and the masters having the command of such vessels, are, at their costs, to cause their vessels, immediately upon their arrival, to be moored at such places, and the vessels are to remain there until the tobacco shall be delivered and the vessels cleared; and any master or commander failing in either of the respects above-mentioned, forfeits the sum of 100*l*. unless, in the judgment of the said commissioners, he was prevented from compliance by some unavoidable accident.

On the arrival of any vessel with tobacco or snuff at her moorings, the master or commander is to make a true entry upon oath, at the Custom-house, of the burthen, contents, and lading of such vessel, with the particular marks, numbers, qualities, and contents of every parcel of goods, to the best of his knowledge or belief, on pain of the forfeiture of 100*l*. and all unreported tobacco, found on board such vessel, becomes forfeited, together with the packages; and the master or commander, at the time when such entry is made, is to deliver to the collector, or other chief officer of the customs, the manifest before-mentioned, on pain of forfeiting the sum of 100*l*.

29 G. 3. c. 68.

The importer, proprietor, or consignee of tobacco imported, is, within ten days, if the whole or major part of the vessel's contents be tobacco, or within fifteen days, if the major part of the contents consist of other goods, after the entry shall have been made, to make with the collector, or chief officer of the customs, and also with the collector of excise, a true entry in writing of all the tobacco on board such ship or vessel, with the number of cases, and the particular marks and number of each, and the weight and quantity of tobacco contained therein, agreeably to the manifest, and to the particulars of the entry before-mentioned.

No tobacco, tobacco stalks, or snuff, brought into any port of Great-Britain by coast packet, or permit, can be landed, or put on shore, without an entry first made with the proper officer of the customs of the port, by the person bringing the same, or to whom the same are consigned, on pain of the forfeiture of double the value.

Within ten days after the entry, the importer, proprietor, or consignee, are to make entries, with the proper officers of customs and excise, of all the snuff on board the vessel, belonging to them, specifying whether the same be snuff imported by the East-India Company, or from any British plantation in America, or from the Spanish West Indies, or from any other place; and also the number of cases, with the particular marks and numbers of each of them, and the weight and quantity of snuff contained therein: and, on the neglect of such persons, any of the officers of customs or excise may convey all such tobacco and snuff, with the cases, to some of the warehouses to be provided by the respective commissioners of the customs in England and Scotland, for securing and lodging tobacco and snuff at the several ports of importation; and such tobacco may be secured therein for twenty-four months, and such snuff for one month, unless the same be cleared and taken out before the expiration of such times: before which clearance or delivery, rent is to be paid to the proper custom warehouse-keeper, after the rate of 6d. per week for each case containing tobacco or snuff.

All tobacco and snuff from any vessel wrecked or in distress, on the coast of this kingdom, is to be deposited and secured in the nearest custom-warehouse, and is to be liable to all the regulations and forfeitures mentioned in this act.

The officers of the customs on board every vessel in which tobacco shall be imported, are to mark every case of tobacco with such marks as the commissioners of the customs shall direct, and no case of tobacco may be unshipped before so marked.

The importers, proprietors, and consignees of snuff imported, are, after the entry of the vessel and of the snuff, to land such snuff, as is directed, concerning the landing of tobacco; and such snuff, when so landed, is to be marked, weighed, and stowed in like manner.

Tobacco

Tobacco lodged in any warehouse, is to be cleared, and taken from thence, either for exportation or home trade, within twenty-four months after the importer, proprietor, or consignee shall, or ought to have, made his entry in writing; and snuff is in like manner to be taken out within one month; and the importer, proprietor, or consignee, intending to clear and take from any warehouse any tobacco for home trade, or any snuff, must give at least twenty-four hours notice in writing to the custom and excise warehouse keepers, of his intention so to do, and of the particular cases and marks of such tobacco and snuff so intended to be cleared or taken out.

Every manufacturer of, and dealer in tobacco or snuff, three days at least before beginning to manufacture or sell any tobacco, tobacco stalks, Spanish tobacco stalks for tobacco stalk flour, snuff work, tobacco stalk flour, or snuff, is to make a true and particular entry in writing, of all the premises used by him for manufacturing, selling, or keeping any of the said articles, at the office, within the limits whereof his premises shall be situated, on pain of forfeiting the sum of 200l. for every part of such premises made use of, without such entry, together with the articles before-mentioned, found therein, with the packages.

29 G. 3. c. 61.

Within the limits of the chief office of excise in London, no manufacturers are to be permitted to make such entry, but such as are occupiers of tenements, of the yearly rent of 10l. and for which he or they are assessed in their own names, and pay the parish rates; nor in any other part of the kingdom, unless such person or persons are assessed, and pay to the church and poor; and no entry is of avail to any person or persons not so qualified, or for any longer time than the person or persons making the entry are so qualified.

Over the outer door, or in the front, or in some conspicuous part of every house, warehouse, shop, room, cellar, vault, or other place used by any manufacturer or dealer, for manufacturing, keeping, or selling any of the above-mentioned articles, the words *Manufacturer of and Dealer in Tobacco and Snuff*, or *Tobacco or Snuff*, or *Manufacturer of*, or *Dealer in Tobacco and Snuff*, or *Tobacco or Snuff*, as the case may require, are to be painted or written in large, legible characters, on pain of forfeiting for each place made use of, without such words, the sum of 50l.

Any person not having made such entry, who hath these words painted or written, as before mentioned, forfeits the sum of 100l.

None of the articles above-mentioned are to be manufactured out of the limits of the chief office of excise in London, except in cities and their suburbs, and in market towns, and also except in places more than five miles distant from any part of the

sea-coast of Great-Britain, unless such place or places shall be a city or suburbs thereof, or a market town within three miles of some port, into which tobacco may be imported, and in which the manufacture of tobacco or snuff shall be carried on at the time of passing this act; and every person manufacturing or causing to be manufactured, any such articles, in any other place, forfeits the sum of 50l.

29 G. 3. c. 68.

But no licensed manufacturer becomes liable to the said penalty of 50l. on account of his manufacturing, or causing to be manufactured, any of the articles above-mentioned, at any tobacco or snuff manufactory, duly entered, and which shall have been used as such at any time before the 5th of July, 1789.

On or before the 30th of September, 1789, a true account is to be delivered upon oath by every manufacturer of and dealer in tobacco and snuff, to the best of his knowledge and belief, at the office of excise, within the limits of which his premises shall be, of the several quantities of tobacco, tobacco stalks, and snuff respectively, being in his possession or custody on the 30th of September, 1789; and every manufacturer, for every neglect in the delivery of such account, forfeits all such tobacco, tobacco stalks, and snuff, whereof no such account shall be delivered, together with the packages.

All tobacco, snuff work, and snuff, in the possession of any manufacturer or dealer, on the said 30th of September, 1789, or within ten days following, for which he shall not have credit on the custom-house books, or, in default thereof, shall not make satisfactory proof to the commissioners of excise, that he bought the same in the fair way of trade, from some person or persons openly known and reputed to be a regular dealer or dealers therein, becomes forfeited with the packages.

Every manufacturer of tobacco or snuff, three days at least before beginning to manufacture, must make true and particular entry in writing, at the proper office of excise, of every engine for performing any process whatever, in the manufacturing of either of the said articles, on pain of forfeiting the sum of 50l. for every such utensil not so entered.

Persons manufacturing or dealing in tobacco or snuff, are, before such manufacturing or dealing, to take out licences, as the case may require, which licences are to be granted as follows: that is to say, within the limits of the chief office of excise in London, the same shall be granted under the hands and seals of two or more of the commissioners, or of some persons by the major part of them appointed for that purpose; and in any other part of England, the same shall be granted under the hands and seals of the respective collectors, and supervisors of excise; within the limits of the city of Edinburgh the same shall be granted under the hands and seals of two or more of the commissioners of excise for Scotland, and in any other part of

Scotland,

Scotland, under the hands of the respective collectors and supervisors; and the respective persons authorized to grant such licences are to grant the same to all persons applying for the same, and paying as follows, that is to say, the sum of 40s. for each licence, granted previous to the 10th of November, 1790, authorizing the manufacture of tobacco and snuff until the 10th of November, 1790; but for all licences to manufacture, granted after that time, the following sums.

If the tobacco and snuff work weighed for manufacture by the person or persons applying for the licence, within the year ending the 10th of October, previous to the taking out such licence, shall not have exceeded the quantity of 20,000lb.

From 20,000lb. to 30,000lb. 2 0 0

From 30,000lb. to 40,000lb. 3 0 0

From 40,000lb. to 50,000lb. 4 0 0

From 50,000lb. to 60,000lb. 5 0 0

From 60,000lb. to 70,000lb. 6 0 0

From 70,000lb. to 80,000lb. 7 0 0

From 80,000lb. to 90,000lb. 8 0 0

From 90,000lb. to 100,000lb. 9 0 0

From 100,000lb. to 120,000lb. 10 0 0

From 120,000lb. to 150,000lb. 12 0 0

If such articles shall have exceeded 150,000lb. 20 0 0

For licences to deal in tobacco and snuff, the following sums are to be paid, viz.

Within the limits of the chief office of excise in London, or within the limits of the city of Edinburgh 0 5 6

In any other part of Great-Britain 0 2 6

Such licences are to be renewed ten days at least before the expiration of twelve months, and so from year to year; and any person manufacturing tobacco or snuff without taking out the proper licences, forfeits the sum of 200l. or dealing without licence forfeits 50l.

But persons duly licensed to manufacture tobacco and snuff, need not take out licences for dealing in the same, provided they do not, at any time, sell tobacco in a less quantity than four pounds weight, or snuff in a less quantity than two pounds weight.

Persons in partnership, manufacturing or dealing in tobacco or snuff, in one house or shop only, are not obliged to take out more than one licence in a year; but no licence granted under this act authorizes any person or persons to manufacture or deal in tobacco or snuff in any other house, warehouse, shop, or other place, than such whereof an entry in writing was made at the office of excise, at the time of granting such licence.

Before

29 G. 3. c. 68.

Before beginning to strip or spin any tobacco, or to press any tobacco for cutting, the manufacturer is to give, within the limits of the chief office of excise in London, or of the city of Edinburgh, six hours notice in writing; and within any other city or the suburbs thereof, or any market town, twelve hours notice in writing; and in any other part of Great-Britain, twenty-four hours notice in writing, of his intentions so to do; and in each notice for stripping tobacco must specify the weight of tobacco intended to be manufactured; and in each notice for spinning, pressing, or making into carrots, the several weights of the tobacco, tobacco stalks, and returns of tobacco respectively, so intended to be pressed, spun, or made into carrots; and in each notice for flattening tobacco stalks for Spanish, must specify the weight of tobacco stalks so intended to be flattened; and in every such notice the hour and time of beginning such operation is to be specified; and the proper officer of excise shall attend, and the manufacturer shall, at that time, or within an hour afterwards, begin to weigh and separate all tobacco stalks, &c. intended to be pressed, spun, &c. and immediately after such weighing, shall deliver to such officer a declaration in writing, specifying how much of such tobacco is intended to be manufactured; and any manufacturer failing, in any of the respects above-mentioned, forfeits the sum of 20*l*.

Any person cutting any walnut-tree leaves, hop leaves, sycamore leaves, or leaves, herbs, or plants to resemble tobacco, or mixing, or procuring to be mixed with tobacco, any of the said articles; or selling, or exposing to sale, or having in his custody or possession any of the said articles, prepared or mixed as before-mentioned, forfeits the sum of 20*l*. and all such articles, together with the tobacco with which the same may be mixed, and the packages containing the same.

When any officer of excise shall discover that the manufacturing of tobacco or snuff is carried on in any place not duly entered, and shall at the same time discover, in such place, any person or persons knowingly assisting, or in any ways concerned in such private manufacturing, every person so discovered forfeits the sum of 30*l*. over and above all penalties and forfeitures, to which the proprietors of such tobacco or snuff shall be liable; and such officer or officers, and all people acting in their aid, may arrest all such persons, and convey them before some justice or justices of the district, who, upon confession of the party, or proof by the oath of any credible witness, may convict such persons; each of whom, on conviction, must immediately pay to the officer the sum of 30*l*. on pain of being committed by such justice or justices to the house of correction, to be kept to hard labour for the space of six months from the day of conviction, unless such sum be sooner paid; and any

person

person twice convicted of the same offence shall forfeit, on the second conviction, the sum of 60*l*. on pain of being committed to the house of correction for the term of one year, or until the said sum be paid.

Any of the officers of excise may at all times, between the hours of five in the morning and eleven in the evening; either with or without a constable, or other officer of the peace, or between the hours of eleven in the evening and five in the morning, with a constable, or other officer of the peace, enter into every place belonging to, or used by, every manufacturer of or dealer in tobacco or snuff, and take an account of the quantity and quality of all tobacco, tobacco stalks, Spanish, tobacco stalks for tobacco stalk flour, snuff work, tobacco stalk flour, or snuff in his custody or possession.

29 G. 3. c. 68.

Every manufacturer of and dealer in tobacco and snuff is to keep sufficient and just scales and weights at the places where he shall keep, manufacture, or deal in tobacco, snuff work, or snuff; and is also to permit any of the officers of excise to use the same, for the purpose of weighing any such articles, on pain of forfeiting the sum of 100*l*.; and any manufacturer or dealer using, or suffering to be used, any unjust or insufficient scales or weights, shall forfeit the sum of 200*l*. and such scales and weights.

Every manufacturer of, or dealer in tobacco or snuff, as often as required by the proper officer or officers of excise, is to assist, with a sufficient number of his servants, to the utmost of his power, such officer or officers in taking an account of the articles above-mentioned, on pain of forfeiting the sum of 50*l*.

But no officer of excise is authorized to weigh any tobacco, tobacco stalks or snuff work, whilst actually in the operation of manufacture, except such snuff work as any manufacturer shall intend to send out or receive by permit.

Unmanufactured tobacco, in the state of operation, is at all times to be kept separate from manufactured tobacco, on pain of the forfeiture of 50*l*.

The officers of excise may take a sample or samples of any of the articles above-mentioned, in the possession of any manufacturer of, or dealer in, tobacco or snuff, paying for the same (if demanded) the value, or usual price; and any manufacturer or dealer obstructing any officer in taking any sample or samples, upon his paying for the same (if demanded) forfeits the sum of 100*l*.

If any officer of excise shall discover any increase, not legally accounted for, in the stock of any of the articles above-mentioned, above the quantity of each sort found by the officer at any preceding survey, so much of the stock as shall be found increased becomes forfeited, and a quantity equal to

the increased quantity may be seized by any of the officers of excise; and the manufacturer or dealer, in whose stock the increase was found, forfeits the sum of 20*l*.

29 G. 3. c. 68.

Any manufacturer removing, or causing to be removed, any tobacco or snuff, from any of his entered premises, before the same has been weighed and taken an account of by the proper officers of excise, or hiding, or procuring to be hidden, any tobacco or snuff from the sight of such officer or officers, forfeits the sum of 50*l*.

No tobacco (not being returns of tobacco) of four pounds weight or upwards, nor any snuff of two pounds weight or upwards, can be removed from one part of this kingdom to another, without a permit, on pain of the forfeiture of such articles, together with the packages containing the same, and the cattle, boats, and carriages used in the removal thereof.

When any licensed manufactuer or dealer has occasion to remove any tobacco, snuff work, or snuff, from his entered premises, the proper officers of the district are, without fee or reward, upon request, to give a signed permit in writing, expressing the distinct weight of such articles, with the names of the persons from whom the same is to be removed, and the names of the persons to whom, and the place to which the same is to be removed; and in such permits, the time within which such articles shall be removed, and the time within which they shall be received, shall be limited.

It is not unlawful for any manufacturer of snuff to send for sale, by permit, any snuff manufactured by him, from any part of this kingdom, to any other part thereof.

When any person shall offer any of the articles above-mentioned to sale, without having a permit for the same, or when any hawker or other person, trading from town to town, or from house to house, either on foot or with any cattle, shall offer any of the said articles to sale, although with a permit, the person or persons to whom the same shall be offered, may seize all such articles, and carry them to the next custom or excise warehouse, and bring the offenders before the next justice of the peace, who shall commit them to prison; and, after the condemnation of the articles so seized, and the commitment of the offender, the commissioners of the customs or excise are to pay the same rewards to such persons as would be due to any officers making such seizure; and, if desired, are to pay, before the sale of the articles, the sum of 3*d*. for every pound of such articles so seized, upon a certificate from the justice of the offender or offenders being committed to prison; and after the sale of such articles, the monies so advanced are to be repaid out of the produce of such sale.

Any person counterfeiting, or procuring to be counterfeited, any permit for the removal of any of the articles before-mentioned,

tioned; or altering or erasing any untrue permit, or knowingly publishing or using any permit so counterfeited, falsified, or altered, forfeits the sum of 500*l*.

When any officer of excise shall have cause to suspect that any tobacco, snuff work, or snuff, which shall be unlawfully imported, or shall be forfeited under this or any other act of parliament, is concealed in any place, then, if such place is within the cities of London or Westminster, or of the chief office of excise in London, he is to make oath before any two of the commissioners of excise, or in any other part of Great-Britain, before some justice of the district, setting forth the ground of his suspicion; and the person or persons before whom such oath shall be made, may, by special warrant or warrants, authorize the officer or officers, by day or by night, but if in the night, in the presence of a constable or other lawful officer of the peace, to enter into the suspected premises, and seize and carry away such articles so concealed, with the packages; and the person, obstructing such officer or officers, or the persons aiding in their assistance, shall forfeit the sum of 100*l*.

29 G. 3. c. 68.

Any of the officers of excise may go on board any ship or vessel within the limits of any of the ports of this kingdom, or within four leagues of the coast, and may continue on board and search for all tobacco and snuff, and may seize all such articles as shall be forfeited, with the packages, and also the vessel, if the same shall be forfeited on account of such articles.

Any person assaulting, resisting, or obstructing any of the officers of customs or excise in the execution of this or any other act relating to tobacco stalks, tobacco, or snuff; or after the seizure of any forfeited goods, rescuing, or causing the same to be rescued, or attempting so to do, shall forfeit (where no other penalty is particularly provided by this act) the sum of 200*l*.

Any person giving, or offering, any bribe, recompence, or reward, to any of the officers of customs or excise, to connive at or permit any tobacco, snuff work, or snuff, to be run on shore; or to connive at any false entry; or giving or offering any such bribe, in order to prevail upon any such officers to do any thing contrary to their duty, shall forfeit the sum of 500*l*.

Any person taking a false oath, where an oath is required by this act to be taken, incurs the pains and penalties of perjury.

No person, any way interested in the business of manufacturing or dealing in tobacco or snuff, can act as a justice of peace in any thing relating to this act; and all acts done by such persons are void.

29 G. 3. c. 68.

Penalties and forfeitures created and imposed by this act and to be sued for by order of the commissioners of the customs, or by any officers of the customs, are to be sued for and recovered, except where otherwise directed by this act, in the same manner as penalties and forfeitures for other offences against the customs.

And penalties and forfeitures sued for by order of the commissioners of the excise, or by any officers of the excise, are to be sued for, recovered, levied, and mitigated, according to the laws of excise; or by action of debt, bill, plaint, or information, in any of the courts of record at Westminster, or in the court of Exchequer in Scotland, and one half of every fine, penalty, or forfeiture, shall go the king, and one half to the informer, except where otherwise directed by this act.

The duties and drawbacks settled by this act are to be levied and paid (except where any alteration is made by this act) in the same manner as formerly; and all tobacco and snuff are to be liable to the restrictions and forfeitures settled by any acts relating to the revenues of the customs, as formerly, except where the same are altered by this act: and all the laws of excise, except where other provisions are made by this act, are to be in force with respect to tobacco and snuff.

The 24 G. 2. c. 41.—26 G. 2. c. 13.—23 G. 3. c. 1.—25 G. 3. c. 81.—and 26 G. 3. c. 13.—as far as they relate to tobacco and snuff, are repealed.

All actions brought against any person for any thing done in pursuance of this act, are to be commenced within three months after the thing done, and are to be laid in the proper county; and the defendants in such actions may plead the general issue, and give this act and the special matter in evidence; and in case of a verdict for the defendants, or if the plaintiffs shall be nonsuited, or discontinue, or suffer judgment upon demurrer, or otherwise, the defendants shall have treble costs.

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PRECEDENTS and FORMS of WARRANTS,
SUMMONSES, RECOGNIZANCES, and IN-
FORMATIONS, &c.

No. 1. *A SUMMONS of a Master on Complaint of
an APPRENTICE.*

} To the constable of
in the said county

*THESE are to require you on sight hereof to summon A. B.
of your parish of personally to appear before
me, or some other of his majesty's justices of the peace for the
said county, at in at of the
clock in the noon, to answer to such things as shall
be objected against him by C. D. his apprentice, for misusing
him, &c. (as the case is)*

*Given under my hand and seal this day of
in the year*

*N. B. You are also to summon the said apprentice to appear
before me at the same time, to make good his complaint.*

No. 2. *The same Form of SUMMONS of an APPREN-
TICE on Complaint of his Master, mutatis mutandis.*

† A

No. 3.

No. 3. SUMMONS of the MASTER by two Justices.

The same as No. 1. only putting us for me, and our hands, &c. for my hand, &c.

No. 4. WARRANT from two Justices against a disorderly APPRENTICE.

The same as No. 1. changing the numbers only.

No. 5. APPRENTICE's Commitment by two Justices.

To the constable of _____ in the said
and to the keeper of the house of correction at
in the said _____

W H E R E A S complaint hath been made before us two of his majesty's justices of the peace in and for the said _____ upon the oath of _____ of _____ in the said _____ That _____ apprentice to the said _____ hath committed divers misdemeanors against him the said _____ his master; and particularly _____

And whereas upon due examination thereof, and upon bearing and duly considering the allegations of both parties appearing before us for that purpose, he the said _____ stands convicted before us of the said offence: We do therefore hereby command you the said constable, to take and convey the said _____ to the said house of correction, and to deliver him to the said keeper thereof, together with this our warrant: And we do hereby command you the said keeper of the said house of correction, to receive the said _____ into your custody, in the said house of correction,

rection, there to remain and be corrected, and held to hard labour for the space of * from the date hereof.

Given under our hands and seals the day of
in the year of our Lord one thousand seven
hundred and

* Not exceeding one calendar month.

No. 6. APPRENTICE's Discharge by two Justices,
if the apprentice Fee did not exceed £. 5. otherwise by
four Justices at the least, 1 Q.

COMPLAINT having been made before us E. F. and
G. H. two of his majesty's justices of the peace in and
for the said by C. D. apprentice to A. B. of
the parish of in the said of abuse and
ill-treatment from his master towards him the said appren-
tice, and particularly and the said A. B.
having appeared [or perhaps not having appeared] agree-
ably to our summons, but not having cleared himself of the
said charge brought against him, We do hereby discharge
him the said C. D. from his apprenticeship with A. B. any
thing contained in the indenture between them, or otherwise
howsoever, to the contrary notwithstanding. Given under
our hands and seals this day of

No. 7. Form of a Warrant for an ASSAULT.

} To the constable of

COMPLAINT having been made before me
one of his majesty's justices of the peace
in and for the said upon the oath of
of in the said that of
in the said did on the
+ A 2 day

day of violently assault and beat h the said
 at afore said, in the said
 These are in his majesty's name to require
 you forthwith to apprehend the said
 and to bring h before me to answer to the said complaint,
 and to be further dealt with according to law. Given un-
 der my hand and seal this day of
 in the year of our Lord one thousand seven hundred and

No. 8. *Voluntary Confession of a single Woman, before the Birth of a Bastard Child.*

} A. B. of the parish of in the said
 single woman, appeared voluntarily before me
 one of his majesty's justices of the peace in
 and for the said this day of
 in the year of our Lord And being examined
 on oath, she saith that she is with child, and that the said
 child is likely to be born a bastard, and to be chargeable to
 the parish of afore said, and that C. D. of the
 parish of in the county of is the father
 of the said bastard child.

Signed *** A. B.

Taken and signed the day and
 year abovewritten.
 Before me

No. 9. *Warrant for apprehending the reputed Father of a Bastard before its Birth,*

} To the constable of
 } in the said

WHEREAS A. B. of in the said
 single woman, hath voluntarily made oath this
 day of before me one of his majesty's
 justices of the peace in and for the said that she

is with child, and that the said child is likely to be born a
 bastard, and to be chargeable to the of
 in the said and that in the said
 did beget the said child on the body of her the
 said And whereas one of
 the overseers of the poor of the of
 aforesaid, in order to indemnify the said
 in the premisses, hath applied to me for this my warrant to
 apprehend the said I therefore hereby require you
 immediately to apprehend the said and to bring
 him before me or some other of his said majesty's justices of
 the peace for the said either to enter into bond,
 with sufficient sureties to indemnify the said parish, or to
 enter into recognizance to appear at the next general
 sessions of the peace to be holden for the said there
 to abide by what the court shall order, in pursuance of an
 act of 18 Eliz. concerning bastards. Given under my hand
 and seal this day of in the year of our
 Lord one thousand seven hundred and

No. 10. Examination of the Mother of a BASTARD
 after its Birth.

{ A. B. of the parish of in the said
 single woman, being examined on oath before
 me [or us if more than] one of his majesty's justices of the
 peace for the said this day of
 in the year of our Lord saith, that on
 the day of now last past, she the said A. B.
 was delivered of a bastard child, in the parish of
 and that the said child is likely to become
 chargeable to the said parish of and that C. D.
 of did get her with child of the said bastard child.

Signed *** A. B.

Taken and signed the day and
 year above-written.

Before me or us

No. 11.

No. 11. Warrant for apprehending the reputed Father of a BASTARD after the Birth.

To the constable of
in the said

WHEREAS A. B. of in the said
single woman, hath declared on oath before me one of
his majesty's justices of the peace in and for the said
that on the day of now last past,
she was delivered at in the said of a
bastard child, and that C. D. of the parish of
is the father thereof, and that the said bastard
child is likely to become chargeable to the said
And whereas one of the overseers
of the poor of the said of
aforesaid, in order to indemnify the said parish in the
premisses, hath applied to me for this my warrant, to apprehend the said I do therefore hereby require
you immediately to apprehend the said and to
bring him before me, or some other of his majesty's justices
of the peace for the said either to enter into
bond, with sufficient sureties, to indemnify the said parish,
or to enter into recognizance to appear at the next general
sessions of the peace to be holden for the said
there to abide by what the court shall order, in pursuance of
an act of 18 Elizabeth, concerning bastards. Given under
my hand and seal this day of in the year
of our Lord one thousand seven hundred and

No. 12. Form of a Recognizance in a Case of BASTARDY.

BE it remembered, that on the day of A. B.
in the year of our Lord in this county, yeoman, and
of the parish of in this county, yeoman, and
C. D. of the same, husbandman, personally appeared before
me one of the justices of our sovereign lord the
king assigned to keep the peace within the said and

and did acknowledge to owe to our sovereign lord the king as follows: viz. the said A. B. twenty pounds, and C. D. ten pounds of lawful money of Great Britain, to be severally levied on their goods and chattels, lands, and tenements for the use of our said sovereign lord the king, his heirs, and successors; if the said C. D. shall make default in the performance of the condition here underwritten.

Whereas of the parish of in the said single woman, &c. &c. [here either transcribe No. 8. if before the birth, or No. 10, if after, to the words *bastard child*: then add] The condition of this recognizance is such, that if the above bounden C. D. shall personally appear before his majesty's justices of the peace at the next general sessions of the peace to be holden for the said and there answer to all such things as shall be objected against him, on account of the said now with child [or lately delivered] of a bastard child, begotten by him the said C. D. and shall there abide by what the court shall order, touching the premisses, then this recognizance shall be void, or else remain in full force.

Acknowledged before me.

No. 13. A Mitimus of the reputed Father of a
BASTARD Child.

To the constable of and to the keeper
of in the said

WHEREAS of the parish of single woman hath appeared before me and declared upon oath that she is with child (or was lately delivered) of a bastard child; and upon her oath hath charged of the parish of in the said county, with having begotten the said child, and also that the said bastard child is likely to become chargeable to the said parish of And whereas the said being now per-

personally present before me, by virtue of my warrant, issued for apprehending him the said ^{either cannot, or} will not find sufficient sureties to indemnify the said parish of ^{or enter into recognizance to appear at the next} general sessions of the peace, and there abide by what the court shall order, touching the premisses, in pursuance of the act of 18 Eliz. concerning bastardy.

These are therefore to require you the said constable of ^{on sight hereof} to convey the said ^{to the} gaol aforesaid, and deliver him to the keeper thereof, to be by him kept, until he shall find sufficient sureties, as aforesaid, or shall be discharged by due course of law. Given under my hand and seal this ^{day of}

No. 14. Warrant from the two next Justices for the Master, with a Summons for the reputed Father of a **BASTARD** Child, to make the Order of Maintenance.

To the Constable of

UPON the complaint of the overseers of the poor of the parish of ^{in the county of} ^{and} also upon the oath of ^{of the said parish, single} woman, that she was delivered of a ^{bastard child, in} the said parish, on the ^{day of} and that of the parish of ^{in the said county, is the father of the} said child, and that the said bastard child is now living, and likely to become chargeable to the said parish, before us two of his majesty's justices of the peace in and for the said county, one whereof is of the quorum, and both of us residing in or next unto the limits where the parish church of in the said county standeth

We the said justices do hereby command you to bring before us at ^{in the said county, on} the ^{day of} at ^{in the} noon, ^{between the said} to be further examined by us respecting

ing the premisses; and that you also give notice thereof unto him the said that he likewise may be there at the same time to make his defence; that we having examined the cause and circumstances thereof, may take such order therein as to right doth appertain: and what you shall do in the execution hereof, you shall make known to us at the time and place aforesaid. Given under our hands and seals this day of

No. 15. *An Order for the Maintenance of a
BASTARD Child.*

{ THE order of and two of
his majesty's justices of the peace in and for the said
county (1 Q.) and both residing next to the limits where the
parish church of in the said county standeth, made
the day of in the year
upon the complaint of the overseers of the poor of the said pa-
rish of concerning a bastard child,
which was born of the body of single woman, in
the said parish of on the
day of now last past; which said bastard child
is likely to be chargeable to the said parish of
we the said justices having examined the said
on her oath, and having duly considered the circumstances of
the case, do hereby adjudge that of the parish of
labourer, is the father of the said bastard child:
and thereupon we do order as well for the maintenance of the
said child, as for the relief of the said parish of
that the said shall forthwith pay to the said over-
seers of the poor of the said parish, or to some or one of them
the sum of for and towards the lying in of the
said and the maintenance of the said bastard child
to the time of making this our order. And we do also hereby
further order, that the said shall likewise pay or
cause to be paid to the said overseers and their successors, or to
some or one of them, the sum of weekly and every
week from the present time towards the maintenance of the
said bastard child, so long as the said bastard child shall be
charge-

† B

chargeable to the said parish of _____ in case she shall
not nurse and take care of the said child herself. Given
under our hands and seals the day and year first above writ-
ten.

No. 16. Form of COMMITMENT in general.

} To the constable of _____
and to the keeper of _____ in the said county.

WHEREAS _____ is now before me
one of his majesty's justices of the peace in and for
the said county, charged upon oath with (as the case may
be.)

These are to require you the said constable in his said
majesty's name, forthwith to convey and deliver into the
custody of the keeper of the said _____ the body of

And you the said keeper are hereby commanded to receive the
said _____ into your custody in the said

Herein fail you not. Given under my hand and seal this
day of _____ in the year of our Lord one
thousand seven hundred and _____

No. 17. An Award of COSTS.

} ON the complaint of _____ of the parish of _____
in the said _____ against _____ of
in the _____ aforesaid, for (as the case may
be) which said complaint was heard and the matter deter-
mined before me, on _____ the _____ day of _____

I _____ one of his majesty's justices of the peace
in and for the _____ aforesaid, in pursuance of an
act made in the eighteenth year of his majesty King George
the _____

the Third, intituled, An act for the payment of costs to parties, on complaints determined before justices of the peace out of sessions, &c. &c. &c. do award the following costs to be paid by *viz. the sum of*

Given under my hand and seal this *day of*
in the year of our Lord

No. 18. *Form of a Warrant to distress for*
C O S T S.

To the constable of *_____* and to all other his
majesty's constables in and for the said

W H E R E A S *I* *one of his majesty's*
justices of the peace in and for the said
in pursuance of an act made in the eighteenth year of his
majesty King George the Third, intituled, An act for the
payment of costs to parties, &c. &c. &c. did on the
day of *on the complaint of*
against *for (as the case may be)* *award the*
following costs to be paid by *viz. the sum of*

And whereas the said *bath neither paid, nor*
given security for the same to my satisfaction, These are
therefore to command you, or some one or other of you, to
levy the said sum of *by distress and sale of the*
goods and chattels of the said *And I do hereby*
order and direct the said goods and chattels so distrained to
be sold and disposed of within *days, unless the*
said sum of *together with the reasonable charges*
attending such distress shall be paid within that time: And
you are hereby required to certify to me what you shall have
done by virtue of this my warrant. Given under my hand
and seal this *day of* *in the year of our*
Lord

No. 19. *Form of Commitment for want of Distress for*
C O S T S.

To the constable of
and also to the keeper of the house
of correction at in the said

W H E R E A S in pursuance of an act made in the
eighteenth year of the reign of his majesty King George
the Third, intituled, An act for the payment of costs to
parties, on complaints determined before justices of the
peace out of sessions, &c. &c. &c. I one of his
majesty's justices of the peace in and for the said did
issue my warrant of distress and sale, directed to the constable of
ordering the said constable to levy the sum of
of the goods and chattels of for
the payment of the costs awarded by me as therein is set forth:
And whereas it appears to me by the return of
constable of dated the day of
that he hath made diligent search, but cannot find
any goods and chattels of the said by distress
and sale whereof the said sum of may be levied
pursuant to the said warrant: These are therefore to com-
mand you the said constable of to apprehend the
said and convey the said to the
said house of correction: And these are also to command you
the said keeper of the said house of correction, to receive the
said and there to keep to hard labour for the
space of from the date hereof, or until such
sum of together with the expences attending the
commitment of the said to the said house of cor-
rection, be first paid, or until the said be dis-
charged by due course of law. Given under my hand and
seal at the day of
in the year of our Lord

No. 20. *Form of EXAMINATION of a Person accused.*

{ **T**HE examination of _____ of the parish
of _____ in the said
taken before me (or us, if more than) one of
his majesty's justices of the peace in and for the said
the _____ day of _____ in the year of our Lord one
thousand seven hundred and _____

The said
being charged before
with _____

said, That _____

No. 21. *Form of a Warrant on Suspicion of FELONY.*

{ To the constable of _____

FORASMUCH as _____ of
in the county _____ hath this day made informa-
tion and complaint upon oath, before me
one of his majesty's justices of the peace for the said
that divers goods of him the said _____ that is to say,

have been feloniously taken, and carried away from
in the _____ aforesaid; and that he hath
just cause to suspect and doth suspect, that
late of _____ in the _____ did feloniously steal, take,
and carry away the same: These are therefore in his majesty's
name strictly to charge and to command you forthwith to ap-
prehend him the said _____ and to bring him before me,
or some other of his majesty's justices of the peace for this
county, to answer to the said information and complaint, and
to be further dealt with as the law directs. Herein fail not.
Given under my hand and seal this _____ day of _____
in the year of our Lord one thousand seven hundred and _____

No. 22.

No. 22. Form of Commitment for FELONY.

To the constable of
and to the keeper of in the said

W H E R E A S is now brought before me
being one of his majesty's justices assigned
to keep the peace within the said and it doth appear
to me on the oath of that (as the case may be)
and that is justly suspected of the said felony.
These are therefore to charge and command you forthwith to
convey the said to the gaol aforesaid, and de-
liver him to the keeper thereof; who is hereby required to
receive into his custody, and there to keep
until the next general gaol delivery, or till he shall be thence
discharged by due course of law. Given under my hand and
seal this day of in the year of our Lord

No. 23. Form of Recognizance to indict for
FELONY.

3 B E it remembered that on the day of
in the year of our Lord 17 A. B. of the
parish of in this personally appeared
before me one of his majesty's justices assigned to keep the
peace within the said and did acknowledge to owe
to our sovereign lord the king the sum of
pounds of lawful money of Great Britain, to be levied on
his goods and chattels, lands, and tenements, for the use of
our said lord the king, his heirs, and successors, if he the
said shall make default in the performance of
the condition here underwritten.

The condition of this recognizance is such, that if the
above-bounden shall personally appear at the
next general to be holden at
in and for the said and there prefer a
bill

bill of indictment against *now or late of*
for feloniously taking and carrying away (as
the case may be) and shall then and there give evidence con-
cerning the same, to the jurors who shall enquire thereof
on the part of our said lord the king; and to the jurors that
shall be on the trial of the said *in case the same*
be found a true bill, and shall not depart without leave of the
court: Then this recognizance to be void, otherwise to remain
in full force.

Acknowledged before me

N. B. These recognizances, as matters of record, are generally, but not always necessarily on parchment. And the party bound must be addressed by name, as acknowledged to be hereby indebted unto the king, &c. &c.

No. 24. *Form of Recognizance to give Evidence in Case of*
FELONY.

THE same as No. 23. to the word [prefer] instead of which say, Then and there give evidence upon a Bill of indictment to be exhibited by *of*
to the grand jury against *now or late of*
for (as the case may be) And if the said bill shall be found a
true bill, then if the said *shall there give evi-*
dence to the jurors that shall be on the trial of the said
upon the said bill of indictment, and shall not
depart without leave of the court: Then this recognizance to
be void, or else remain in full force.

Acknowledged before me.

No. 25.

No. 25. Information against an unqualified Person for destroying GAME.

{ THE information and complaint of
of in the county of
made before me one of his majesty's justices of
the peace in and for the said the
day of in the year of our Lord one thousand
seven hundred and

Who saith, That on the day of
in the year in the parish of
in the county aforesaid, of in
the county aforesaid did keep and use
to kill and destroy the game, he the said
not being qualified by the laws of this realm so to do. And
thereupon he the said prayeth that the said
may be summoned to answer the premisses before
me the justice aforesaid.

Before me

No. 26. Summons of an unqualified Person for destroying GAME.

{ To the constable of

WHEREAS information and complaint have been made
before me one of his majesty's justices
of the peace for the said that of
in the county aforesaid on the
day of now last past, at the parish of
in the county aforesaid, did keep and use
to kill and destroy the game, he the said
being qualified by the laws of this realm so to do: These are ^{not} therefore

therefore to require you forthwith to summon the said
to appear before me at in the said
on the day of
at the hour of in the noon;
to answer to the said information and complaint; and to be
further dealt with according to law. And you are required
to be then present to certify what you shall have done in the
execution hereof. Given under my hand and seal this
day of in the year of our Lord one thousand seven
hundred and

No. 27. Warrant to levy the Fine on an unqualified Person,
for destroying GAME.

} To the constable of the of
in the said

W H E R E A S an information hath been laid before me
one of his majesty's justices of the peace in and
for the said by of that on
the day of A. B. of your parish did keep
and use in the parish of aforesaid
to kill and destroy the game, he not being properly qualified so
to do; and whereas the said information is now proved on the
oath of a credible witness to be true, whereby the said
hath forfeited the sum of five pounds.

These are therefore to authorize and require you, on sight
hereof, to levy the said sum of five pounds by distress and
sale of the goods of the said returning to him
the overplus on demand, charges of distraining being first
deducted; which money, when levied, you are to deliver half
to the informer, and half to the overseers of the parish in
which the offence was committed: And what you do herein
you are to certify to me. Given under my hand and seal this
day of in the year

No. 28. *Warrant of Commitment of an unqualified Person,
for destroying GAME.*

To the constable of _____ in the said
_____ and to the keeper of the house of
correction at _____ in the said

WHEREAS of the parish of
is lawfully convicted before me
one of his majesty's justices of the peace for this
of killing or destroying the game, he not being lawfully quali-
fied so to do; and has been ordered by warrant to pay five
pounds for his offence. And whereas the said
bath not sufficient distress whereon to levy the same, as appears
on oath, These are therefore to require you, on sight hereof, to
convey the said to the house of correc-
tion aforesaid, and deliver him to the keeper thereof, to be by
him safely kept for the space of three months; this being for
the first offence. Given under my hand and seal this
day of in the year of our Lord

N. B. For the second offence four months.

No. 29. *Form of Warrant for* GOOD BEHAVIOUR.

To the constables of _____ in the said county,
and to either of them.

FORASMUCH as of your said parish,
bath required sureties of good behaviour before me
one of the justices of our Lord the king,
assigned to keep the peace within the said county, against
of the said parish, and withal bath
taken a corporal oath before me, that
requireth the same not for any private malice, hatred, or evil
will, but simply that is afraid that the said
will do some bodily mischief, and that
the said hath threatened to do some
bodily

bodily mischief to the said or to burn
houses (as the case may be). These are therefore
in the name of our Lord the king, to charge and command
you, that immediately upon sight hereof, you or one of you do
bring the said before me, to find sufficient
sureties, as well for his personal appearance at the next general
quarter sessions of the peace to be holden in and for the said
county, as also that the said shall in the mean
time be of the good behaviour as well towards our said lord
the king, as towards all his liege people, and especially towards
the said

Dated at in the said county, the
day of in the year of the reign of our
said Lord George the Third, of Great Britain, France, and
Ireland, king, defender of the faith, and so forth.

No. 30. Form of Recognizance for GOOD BEHAVIOUR.

{ THE same as in No. 23. to the words—to be holden
in and for the said there to answer to such
things as shall be objected against him, and in the mean
time shall be of the good behaviour towards his majesty and
all his liege people, and not depart without leave of the court :
then this recognizance to be void, or else to remain in full
force.

N. B. This is generally on parchment.

No. 31. The Form of Appointment of SURVEYORS of the
HIGHWAYS.

{ BY virtue of an act of parliament in this case made,
We, his majesty's justices, assigned to keep the peace
of our lord the king in the said county, at a special sessions
of

of the peace for the said holden at in
the aforesaid, the day of October, in
the year Do hereby nominate and appoint
of the of
in the said to be surveyor of the highways for the
said for the year ensuing,

Given under our hands and seals the day and year above
written.

No. 32. Complaint against defaulters on the
HIGHWAYS.

THE information and complaint made this day by
surveyor of the highways for the
of in the said Who maketh oath be-
fore me one of his majesty's justices of the
peace in and for the said and saith, that
of aforesaid, was duly summoned
by him the said surveyor to find and send on the
day of for the amending the highways
in the said (one or more teams, as the case may be.)

But that he the said not regarding the
summons, nor attending to his duty in this behalf, did neglect
and make default, and did not find and send on
the said day of for the amending the
said highways as aforesaid; contrary to the statutes made
" For the amendment and preservation of the highways;"
whereby he hath incurred a penalty of for
the said offence.

Taken and sworn the
day of

Before me

No. 33. *A Summons of a Defaulter on the*
HIGHWAYS.

} To

COMPLAINT and information having been made
upon oath before me one of his majesty's
justices of the peace in and for the said by
surveyor of the highways for the of in the said
That you the said were duly
summoned by him the said to find and send on
the day of for the amending the
highways in the said (one or more teams, as
the case may be.)

But that you the said not regarding the summons,
nor attending to your duty in that behalf, did neglect and make
default, and did not find and send

on the said day of for the amending
the said highways as aforesaid: These are therefore to require
you personally to appear before at
in the said on the day of
at the hour of in the noon, to answer to the
said complaint and information made by the said
who is likewise required to be then and there present, to make
good the same. Given under my hand and seal, this
day of

No. 34. *A Warrant of Distress for neglect of Duty on the*
HIGHWAYS.

} To the constable of in the
of

THESE are in his majesty's name to command you to
levy the sum of by distress on the goods
and chattels of of the parish of in

in the said county, who is duly convicted this day of
before me one of his majesty's justices
of the peace for the said county, upon the oath of
a credible witness, for that he the said
being duly summoned by the surveyor of the
highways for the parish of afore said, to find and
send, on the day of (one or more teams,
as the case may be) for the amendment of the highways in the
said parish; but not regarding the summons, nor attending
to his duty in this behalf, did neglect and make default, and
did not find and send on the said day
of the said teams or men for the amendment of
the said highways, by reason whereof the said sum of
is forfeited, which he hath refused to pay. And if
within four days after such distress, the said sum, with all
reasonable charges of distraining, shall not be paid, you are
then to sell the said goods and chattels, and having paid the
said sum of and also the said charges, you are to
return the overplus, on demand, to him the said
And if sufficient distress cannot be found, you are to certify the
same to me, together with this warrant.
Given under my hand and seal this, &c.

No. 35. Information for Non-payment of an
HIGHWAY ASSESSMENT.

{ A. B. surveyor of the highways for the parish of
in the said county complaineth and maketh
oath, before me one of his majesty's justices of
the peace for the said this day of
in the year of our Lord That
of the parish of hath refused
and doth refuse to pay his assessment or proportion towards the
repair of the highways within the said amounting
to the sum of the same having been lawfully
demanded by him the said surveyor. And that he the said
hath not paid the said sum of
nor any part thereof; contrary to the statutes made for the
amendment and preservation of the highways.

Sworn before me the day and year above mentioned.

No 36.

No. 36. *Summons for not paying an* HIGHWAY ASSESSMENT.

} To of the parish of
in the said

A. B. surveyor of the highways for the parish of
in the county of having
made complaint and information upon oath before me
one of his majesty's justices of the peace in and for the said
county, that you the said have refused and do
refuse to pay to him the said surveyor your assessment or pro-
portion towards the repair of the highways within the said
amounting to the sum of the same
having been lawfully demanded of you by him the said
and that you the said not regarding
your duty in this behalf, have neglected and do still neglect to
pay the said sum of or any part thereof, contrary
to the statutes for the amendment and preservation of the
highways: These are therefore to require you personally to
appear before at in the said county,
on the day of at
in the noon, to answer to the said
complaint and information made by the said
who is likewise directed to be then and there present, to make
good the same. Herein fail not. Given under my hand and
seal this day of in the year

No 37. *Form of a Warrant of Distress in default of Pay-*
ment towards an HIGHWAY ASSESSMENT.

} To the constable of in the parish of
in the said

A. B. of the parish of in the said
fore me having been duly convicted be-
one of his majesty's justices of the peace
in

in and for the said for that he the said
doth refuse to pay, and hath not yet paid his proportion or
assessment towards the repair of the highways within the said
amounting to the sum of which
sum hath been lawfully demanded of the said
by surveyor of the highways for the said

These are in his majesty's name to command you to levy
the said sum of by distress of the goods and chattels
of the said And if within the space of four
days next after such distress, the said sum, together with the
reasonable charges of distraining shall not be paid, that then
you sell the said goods and chattels; and having paid the said
sum of to the said surveyor, for and towards the
repairing of the highways in the said out of the
money arising from such sale, that you return the overplus
on demand to him the said And if sufficient
goods and chattels cannot be found whereon to levy the said sum
of on the said that then you certify
the same to me, together with this warrant. Given under
my hand and seal this day of

No. 38. Form of Commitment in Default of Distress for an
HIGHWAY ASSESSMENT.

To the constable of in the said
and to the keeper of the in the
said

A. B. of the parish of in the said
having on the day of
in the year been convicted before
me one of his majesty's justices of the peace in
and for the said county, of having refused and still refusing to
pay his proportion or assessment towards repairing the high-
ways within the said amounting to the sum of
contrary to the statutes made "For the amend-
ment and preservation of the highways:" And it having
been made appear to me on the oath of you the said constable

of that you have used your best endeavours to
levy the said sum on the goods and chattels of the said
at afore said, but could not find
sufficient distress whereon to levy the same :

These are to command you the said constable of
afore said, to apprehend the said and him safely
to convey to the in the said county, and there
deliver him to the keeper thereof, together with this precept.
And I do hereby also command you the said keeper, to receive
and keep in your custody the said till he shall
have paid the said sum of and the further sum
of being the costs and charges incurred by his
neglect in the premisses. For doing which this shall be your
sufficient warrant. Given under my hand and seal this
day of in the year of our Lord

No. 39. An INFORMATION in general.

} THE information and complaint of
in the parish of in the county afore said,
taken and made before me one
of his majesty's justices of the peace in and for the said
county, this day of in the year
who on oath saith, That

Sworn before me

to be signed by the informant.

No. 40. Form of Conviction of selling by false MEASURES
and WEIGHTS.

} BE it remembered, that A. B. of the parish of
in the said county cometh before me
one of his majesty's justices of the peace in and
for
† D

for the said county, and maketh oath, that
the day of last past did sell
not being agreeable to the standard measure (or weight)
but less than the same, contrary to the statutes. I do there-
fore adjudge him the said guilty of the said
offence, and convicted thereof as the law directs. Given un-
der my hand and seal this day of in
the year

No. 41. Form of a Precept to the High Constable for ordering
Lifts of Persons to serve in the MILITIA to be returned.

To Gent. chief constable of

WE A. B. and C. D. Esqrs. deputy lieutenants, and
E. F. and G. H. two of his majesty's justices of the
peace in and for the said county, at our general meeting for
that purpose assembled, do hereby require you to issue out your
warrants to the several petty constables within your
according to the form hereon indorsed. Given under
our hands and seals this day of
in the year

N. B. The Form of the Warrant to be indorsed is in the
possession of the clerk of the meetings, and needs not to be in-
serted here.

No. 42. The High Constable's Notice to the Petty Constables
of the Number of Men liable to serve in the MILITIA.

I Do hereby require you to give notice to the several persons
within your constablewick liable to serve in the militia of
the said that men are appointed
(by the deputy lieutenants and justices of the peace for the said
at their subdivision meeting) to serve for the
said

said township; and that the next meeting for choosing the said men by lot to serve in the said militia will be holden at _____ in the said _____ on the _____ day of _____ in the year _____

No. 43. *The High Constable's Warrant for the Persons ballotted to be sworn and inrolled in the MILITIA.*

} To the constable of _____

THESE are to require you to give notice to an inhabitant within your constablewick, chosen by lot, at the subdivision meeting of the deputy-lieutenants and justices of the peace in and for the said _____ to serve in the militia of the said county, that he appear at the _____ in the said _____ on the _____ day of _____ then and there to take the oath required and to be inrolled to serve in the said militia, as a private man for the space of three years, or to provide a fit person to serve as his substitute, who if approved shall take the said oath, and be inrolled as aforesaid.

This notice you are to give unto him, or leave the same at his place of abode, at least seven days before the said _____ day of _____ And be you then there to certify what you shall have done in the premisses. Given under my hand this _____ day of _____ in the year of our Lord _____

No. 44. Summons of a MILITIA-MAN neglecting to be sworn and inrolled.

To the constable of

INFORMATION and complaint upon oath having been made before me one of his majesty's justices of the peace in and for the said that late of in the aforesaid (not being one of the people called quakers) hath been duly chosen by lot to serve as a private man in the militia of the said and that he hath had due notice to appear at the subdivision meeting of the deputy lieutenants and justices of the peace in and for the said county, to take the oath required, and to be inrolled, or to provide a fit person to serve as his substitute, and that he the said hath neglected to be sworn and inrolled to serve in the said militia, and hath not provided any fit person to serve as his substitute; these are to require you forthwith to summon the said to appear before me at the in the said on the day of at the hour of in the noon, to answer to the said complaint, and to shew cause why the penalty of £10. should not be levied on the goods and chattels of the said for the said offence. Given under my hand and seal this day of in the year

No. 45. Warrant to levy £10. by Distress on a MILITIA-MAN neglecting to be sworn and inrolled.

To the constable of

A. B. of the parish of in the county aforesaid, not being one of the people called quakers, having been convicted upon oath before me one of his majesty's justices of the peace in and for the said

for

for that he the said A. B. having been duly chosen by lot to serve as a private man in the militia of the said and after due notice given him having neglected to appear, and to take the oath required, and to be inrolled to serve, or to provide a proper substitute, whereby he hath forfeited the sum of ten pounds; These are in his majesty's name to command you to levy the said sum by distress of the goods and chattels of him the said

And if within the space of days next after such distress, the said sum, with all reasonable charges of distraining shall not be paid, that then you sell the said goods and chattels, and out of the money arising from such sale, that you pay the said sum of ten pounds, to the deputy lieutenants and justices of the said or to such person as they shall appoint to receive the same, for the providing a substitute to serve for him; and for the other purposes directed for the application thereof; rendering the overplus, if any shall be, on demand unto him the said deducting the reasonable charges of the said distress: And if sufficient distress cannot be found, whereon to levy the said ten pounds, that then you certify the same to me, together with the return of this precept. Given under my hand and seal this day of in the year of our

Lord

No. 46. Warrant to commit a MILITIA-MAN, where
£10 cannot be levied by Distress.

To the constable of and to the keeper
of the common gaol at in the county
aforesaid.

SEE No. 45. to the word ten pounds: And whereas I did
issue my warrant to the constable of bearing
date the day of to levy the said
sum of ten pounds by distress and sale of the goods and chattels
of the said And whereas it appears to me on the
oath of the said constable of that after his best
endeavours to levy the said sum, the goods and chattels of the
said are not sufficient to answer the said distress:
These

These are to command you the said constable of
to apprehend the body of the said and him to convey
to the common goal at afore said, and there de-
liver him to the keeper thereof, together with this precept.
And I do hereby command you the said keeper of the common
goal, to receive into your custody in the same common goal the
said and him there safely to keep for the space
of And for so doing this shall be your sufficient
warrant. Given under my hand and seal this
day of in the year

No. 47. Form of Warrant to distress for Quakers' Substi-
tutes in the MILITIA.

We deputy lieutenants and
justices of the peace for the said
To the high constable of within the
said and to the petty constable of
within the said and to each
and every of them.

A. B. late of in the afore said,
one of the people called quakers, having been
chosen by lot to serve in the militia of the said
and after due notice having neglected to appear and be inrolled
to serve, or to provide a proper substitute; And we the said
deputy lieutenants and justices having upon as reasonable terms
as might be, namely, for the sum of provided
and hired a fit person to serve in the said mi-
litia, as the substitute of him the said we require
you to levy the said sum of by distress and sale
of the goods and chattels of him the said
and to pay the same unto for the use of
him the said substitute, rendering the overplus, if any, to him
the said after deducting the charges of distress
and sale. Given under our hands and seals this
day of in the year of our Lord

No. 48.

No. 48. *Form of RECOGNIZANCE to indict for a MISDEMEANOR.*

BE it remembered, that on the day of
as in No. 23. mutatis mutandis.

No. 49. *Form of RECOGNIZANCE to answer for a MISDEMEANOR.*

As in No. 23.

The condition of this recognizance is such, that if the
above bounde shall personally appear at the next
general to be holden at in and
for the said then and there to answer to an
indictment to be preferred against him by
for and not depart without leave of the
court: Then this recognizance to be void, otherwise to be of
full force.

Acknowledged before me

No. 50. *Form of RECOGNIZANCE to give Evidence for a MISDEMEANOR.*

As in No. 24.

The condition of this recognizance is such, that if the
above bound shall personally appear at the next
general quarter sessions of the peace to be holden at
in and for the said and then and there
give such evidences as he knoweth, upon a bill of indictment
to be exhibited by of to the
grand

grand jury, against ^{late of} in the
said for and shall not depart
without leave of the court : Then this recognizance to be void,
otherwise to be of full force.

Acknowledged before me

No. 51. A Warrant to apprehend one for breaking the
P E A C E.

3 To the constable of

WHEREAS complaint is made before me
one of his majesty's justices of the peace in and
for the said upon the oath of
of in the said that
of the parish of is a person of common evil fame,
(as the case is) and that the said hath
reason to fear, and is actually afraid of receiving some
bodily hurt from the said
These are therefore in his majesty's name, to command you,
on sight hereof, to bring the said before me
(or some other of his majesty's justices of the peace for the
same) to find sufficient sureties for
personal appearance at the next general quarter sessions of
the peace to be holden at in and for the said
and also for keeping the peace towards his
majesty and all his liege people, and particularly towards
the said complainant. Given under my hand and seal this
day of in the year

No. 52.

No. 52. Recognizance for keeping the PEACE.

The same as No. 23. in the first part.

The condition of this recognizance is such, that if
 shall personally appear at the next general quarter
 sessions of the peace to be holden in and for the said
 to do and receive what shall then and there be enjoined him
 [her or them] by the court, and in the mean time shall keep
 the peace towards our said lord the king, and all his liege
 people, and particularly towards
 of
 in the of and shall not depart without
 leave of the court: Then this recognizance to be void, other-
 wise to be of full force.

No. 53. Commitment for want of Sureties to keep the
 PEACE.

} To the constable of
 and to the keeper of in the said

WHEREAS is now brought before me
 one of his majesty's justices, assigned to
 keep the peace within the said And whereas
 he being required to find sufficient sureties with him in re-
 cognizance for his appearance at the next general quarter
 sessions of the peace for the said and in the mean
 time to keep the peace towards his majesty and all his liege
 people, is unable or unwilling to find such sureties: These
 are to require you the said constable forthwith to convey the
 said to the goal or house of correction at
 and also you the said keeper of
 to receive and safely to keep him the said until
 he shall find sufficient sureties as aforesaid. Given under my
 hand and seal this day of 17

or neglect to pay you the said twenty shillings within
 days, you are to levy the same by distress and sale of
 the goods of the said returning him the
 overplus: and what you shall do herein, you are to certify
 to us or one of us, within the space of six days next after you
 levy the same. Hereof fail not. Given under our hands and
 seals this day of in the year

No. 56. *Warrant of Distress for Non-payment of a
 POOR's Rate.*

To the churchwardens and overseers of the poor of the
 parish of

WHEREAS complaint hath been made unto us
 and two of his majesty's justices
 of the peace in and for the said by you the said
 churchwardens and overseers of the poor, upon your oath, that
 the persons here underwritten have refused after your demand
 to pay you their several proportions of a rate or assessment
 lately made for the relief of your poor, and whereas no suffi-
 cient cause hath been shewn us, why the same should not be
 paid: These are to authorise and require you to make a pre-
 sent demand of the said sums of money of the persons charged
 therewith; which if they shall not pay within six days next
 after your demand, or shew us sufficient reason to the contrary,
 you are to levy the same by distress and sale of their several
 goods, returning the overplus (after all reasonable charges
 are deducted) to the right owner thereof. Given under our
 hands and seals this day of
 in the year

No. 57. *Warrant to bring the PAUPER to be examined.*

To the constable of

COMPLAINT having been made before me
 one of his majesty's justices of the peace in and for the
 said by the churchwardens and overseers of the
 poor of the parish of in the
 aforesaid, that hath come to inhabit in the
 said having neither gained a legal settlement
 therein, nor produced any certificate owning to be
 settled elsewhere, and that the said is likely to
 become chargeable to the said These are there-
 fore to require you to bring the said before me,
 and such other of his majesty's justices of the peace as shall be
 present at in the said on
 the day of at
 o'clock in the noon, then and there to be examined
 concerning the place of last legal settlement, and to
 be further dealt with according to law. Given under my hand
 and seal this day of in the
 year

No. 58. *Form of Examination of a PAUPER before two Justices.*

THE examination of now resident
 in the parish (or chapelry,
 or precinct) of in the said county, who
 on his oath saith that he was born in the parish of
 in the county of ; that he lived with
 his parents who were legally settled in that parish till the age
 of years; [that (here must be traced the particulars
 of the pauper's life) either that] he was legally apprenticed
 to of the parish of by indenture;
 that he served his said master, who was lawfully settled, not
 by

by certificate, in the said parish years; or, that he
 was lawfully hired to of the parish of
 for a year, and performed the service of a full year,
 at wages for the year; or, that he rented an house
 and lands to the amount of £10. a year, in the parish of
 or, that he served an annual public office in the
 parish of or that he was assessed to and paid
 parochial or other taxes in the parish of that
 he is a married man, has a wife named and
 children, one named aged
 years; another named aged years;
 that since his marriage he hath neither rented £10. a year,
 nor served a parish office, nor paid any taxes, nor done any other
 act whereby a legal settlement might be gained.

Signed A. P.

This examination was taken and sworn to before

this day of in the year I. P.,

N. B. A duplicate of this examination to be kept.

No. 59. Form of a PAUPER's Certificate.

To the churchwardens and overseers of the poor of the
 parish of in the county of

WE the churchwardens and overseers of the poor of the
 parish of in the county of
 do hereby certify that we own and acknowledge that A. B.
 his wife and children (whose names and ages must be men-
 tioned) are inhabitants legally settled in our parish of
 aforesaid. In witness whereof we have hereunto set our hands
 and seals, the day of in the
 year of our Lord

Attested by

L. M.

N. O.

C. D. }

E. F. }

G. H. }

I. K. }

Churchwardens.

W₂

We P. Q. and R. S. two of his majesty's justices of the peace in and for the said county of do allow of the above written certificate. And we do also certify, that I. K. or L. M. one of the witnesses who attested the same, hath this day made oath before us the said justices, that he the said I. K. or L. M. did see the churchwardens and overseers of the poor of the parish of ^{afore}said, whose names and seals are thereunto subscribed and set, severally sign and seal the same: and that the names of I. K. and L. M. who are the witnesses attesting the said certificate, are respectively of their own proper hand writing. Given under our hands this day of

No. 60. A Warrant to remove a Family, of which a Duplicate is to be kept.

To the churchwardens and overseers of the poor of the parish of to execute, and to the churchwardens and overseers of the poor of the parish of to receive and observe.

WHEREAS complaint is made unto us two of his majesty's justices of the peace in and for the said (1 Q.) by you the churchwardens or overseers of the poor of the said parish of that and his wife and children are inhabiting in your said parish, in order to gain a settlement therein, not bringing any certificate owning themselves settled, and are likely to become chargeable to your parish of

And we the said justices having examined the said on his oath, touching the place of his last legal settlement, do hereby adjudge, that the said and his family are, or are likely to become, chargeable to the said parish of and that the last place of their lawful settlement is the parish of in the county of

These are therefore to require you the said churchwardens or overseers of the poor of the said parish of or some of you, forthwith to convey the said and his wife, and their said children to the parish of ^{afore}said, and deliver them to the churchwardens or overseers of the poor thereof, or to either of them, together with this order,

order, or a true copy thereof: And you the said churchwardens and overseers are hereby required to receive and provide for them as the law directs. Given under our hands and seals this day of in the year

No. 61. *An Information from a PAUPER, with a Warrant of Summons and Order for Relief.*

A. B. maketh oath that upon the day of in the year he, being unable to maintain himself, asked for relief of the overseers of the poor of the parish of and that they refused to allow him any thing for his relief.

Sworn before me one of his majesty's justices of the peace in and for the said this day of 17 Signed

A Warrant of Summons consequent thereon.

To the constable of the parish of

THESE are to require you on sight of the above information to summon the overseers of the poor of the parish of to appear before me to shew cause why they refused to allow the above **A. B.** any thing for his relief. Given under my hand and seal this day of in the year

An Order for the PAUPER's Relief.

To the overseers of the poor of the parish of

I one of his majesty's justices of the peace in and for the said having examined into the complaint of the pauper **A. B.** against you the said overseers, for refusing him relief, and finding the complaint to be reasonable and well founded; do hereby order, that you shall weekly and every week, from and after the date hereof, pay to the said **A. B.** the sum of so long as the cause of such relief continues. Given under my hand and seal this day of in the year

No. 62. Order of Removal of a Certificate Person.

To the Churchwardens, &c. &c. as No. 60.

Whereas and his family (naming them) are resident in your said parish of by virtue of a certificate under the hands and seals of who were churchwardens and overseers of the poor in the year which certificate is attested by two sworn witnesses, and allowed by two justices of the peace; and that they are become actually chargeable to the said parish of

These are therefore, &c. as in No. 60.

No. 63. Form of a general RECOGNIZANCE without Sureties.

A. B. of the parish of in the said doth hereby acknowledge himself to owe to our sovereign lord the king, the sum of pounds of lawful money of Great Britain.

On condition, that the above bounden A. B. do personally appear at the next general quarter sessions of the peace to be holden at in the said And there to (as the case may be) and not depart without leave of the court.

On performance of which condition this recognizance shall be void, otherwise of full force.

Acknowledged before me this day of in the year of our Lord

No. 64.

No. 64. *Form of a general RECOGNIZANCE with Sureties.*

{ *A. B.* of the parish of _____ in the said county
doth hereby acknowledge himself
to owe to our lord the king *L.*
C. D. acknowledgeth himself to owe *L.*
E. F. acknowledgeth *L.*

On condition that the above bounden *A. B.* &c. as in
No. 63.

Acknowledged before me

No. 65. *Information of Fraud respecting RENT.*

{ *A. B.* of the parish of _____ maketh oath,
that on _____ the _____ day of
about _____ of the clock in the
he saw *C. D.* of _____ in the said
aid and assist *E. F.* in fraudulently conveying away his goods
from _____

Sworn before us (being his majesty's justices of the peace in
and for this county) on _____ the _____ day of _____

No. 66. *A Warrant to summon the Offender for assisting in a Fraud respecting RENT.*

{ To the petty constable of _____

WHEREAS we have received information on the oath of
a credible witness, that on the _____ day of _____
he saw *C. D.* of your parish,
aid and assist *E. F.* in fraudulently conveying away his goods
(here to be named if known) to prevent his landlord from
+ F _____ distraining

distraining for his rent; These are to charge and command you to cause the said C. D. personally to appear before us at the sign of _____ in _____ on _____ the _____ day of _____ at _____ of the clock in the _____ noon, to shew cause why the penalty of the act of 11th of George II. should not be levied on him for his offence.

N. B. The penalty in this case is double the value of the goods so fraudulently conveyed away, being appraised by two sufficient persons upon oath.

No. 67. *An Order to levy on the Offender's Goods, for assisting in a Fraud respecting RENT.*

} To the constable of the parish of _____

WHEREAS C. D. is this day convicted before us _____ and _____ his majesty's justices of the peace in and for the said _____ of having aided and assisted E. F. of your said parish, in fraudulently conveying away his goods to prevent the landlord of the said E. F. from distraining for his rent; for which offence we do hereby adjudge him to pay the sum of _____ being double the * value of the said goods: These are therefore to authorize and require you to receive the said sum of _____ from him the said C. D. or in default of payment to levy the said sum by distress and sale of the goods of the said C. D. for the use of the landlord of the said E. F. returning the overplus. Given under our hands and seals this day of _____

* N. B. The value of the goods conveyed away must not exceed £50. and for want of distress, the party is to be committed for six months unless the sum be sooner paid.

No. 68.

No. 68. *A Warrant to search after STOLEN GOODS.*

3 To all petty constables, headboroughs, and others,
within the and to every of them.

WHEREAS of the parish of
hath made oath before me one of his
majesty's justices of the peace in and for the said
that on the day of his dwelling
house was broken open (or as the case may be) and that the
following goods, that is to say, have been
feloniously taken and carried away by some person or persons
unknown; and that he the said hath probable
cause to suspect, and doth suspect, that they are concealed in
the of the parish of
in the said These are therefore in his
majesty's name strictly to charge and command you on sight
hereof, with proper assistants to enter in the day time into the
of the said and make diligent
search for the said goods: And if the same, or any part thereof,
shall be there found, that you bring the goods so found, and
also the body of the said in whose custody you
shall so find them, before one or more * of his majesty's justices
of the peace for the said to be proceeded
against according to law. Given under my hand and seal this
day of in the year

* Two justices, if the goods stolen and received be lead,
iron, copper, brass, bell metal, or solder, by 29 G. II. c. 30.

No. 69. *A Summons for Non-payment of SERVANT'S
WAGES.*

3 To the constable of

WHEREAS complaint hath been made unto me
one of his majesty's justices of the peace in and
for the said by a covenanted servant
to of your parish, that his said master hath
+ F 2 refused

refused to pay him the sum of _____ being due to him
 for wages, according to a covenant made between them:
 These are therefore to require you to cause the said
 _____ personally to appear before me to answer the said
 complaint, on _____ the _____ day of _____ in the
 noon, at _____ in the said
 and be you then and there present to certify what you shall
 have done in the premisses. Given under my hand and seal
 this _____ day of _____ in the year _____

No. 70. *An Order for the Payment of a SERVANT's Wages,*

} COMPLAINT having been made unto me
 one of his majesty's justices of the peace in and
 for the said _____ upon the oath of _____ of
 _____ in the said _____ that he the said
 having been hired by _____ of your
 parish, to be a servant in the business of _____ and
 having duly performed the said service, hath not been able to
 obtain from his said master the wages justly due to him: And
 he the said master having been duly summoned to appear and
 to answer the said complaint, but not having shewn (or not
 having appeared to shew) any just cause why the said wages
 should not be paid: I do hereby, after a due examination of the
 truth of the said complaint, adjudge, determine, and order that
 he the said master do pay or cause to be paid, on due notice hereof,
 to the said _____ the sum of _____ which
 appears to me to be just and reasonable to be paid by him the said
 _____ to him the said _____ as and for
 his wages as aforesaid. Given under my hand and seal the
 day of _____ in the year of our Lord _____

No. 71. *Distress for Non-payment of a SERVANT'S Wages.*

} To the constable of

WHEREAS upon complaint being made to me
 one of his majesty's justices of the peace in and
 for the said parish of on the oath of of the
 having been hired by of your parish to serve him
 in the business of and that he having duly per-
 formed the said service hath not been able to obtain from his
 said master the wages justly due to him: And whereas upon
 due examination of the matter, I did on the
 day of by writing under my hand
 and seal, determine and order that he the said
 should pay to him the said the sum of
 which to me appeared to be just and reasonable to be paid
 him as and for his wages as aforesaid: And whereas it
 appears that after due notice of the said order, and due demand
 of the said sum of being made, neither the whole
 nor any part thereof hath yet been paid: These are therefore
 to command you to make distress of the goods and chattels of
 the said And if within the space of
 days after such distress, the said sum of with
 all reasonable charges of distress shall not be paid, that you do
 sell the said goods and chattels, and out of the produce of the
 sale, that you pay the said sum of unto him the
 said returning the overplus, if any, on demand
 to him the said all reasonable charges as afore-
 said being first deducted. Given under my hand and seal this
 day of in the year

No. 72.

No. 72. Complaint of a SERVANT against his Master for ill Usage.

} *A. B.* of the parish of _____ in the said _____
 before me _____ complaineth and maketh oath
 peace in and for the said _____ one of his majesty's justices of the
 day of _____ in the year _____ That at
 _____ last, he was hired by _____ of the parish
 of _____ to be servant in the business of _____
 and that he hath continued in the said service, and doth now
 continue therein; And that during the said service the said
 _____ hath misused him the said _____ and
 particularly (as the case may be) whereupon he the said
 prayeth that justice may be done in the premisses.

This complaint was made on oath before
me, the day and year abovewritten,

No. 73. Summons of the Master for ill Treatment of his SERVANT.

} To the constable of _____

A. B. of the parish of _____ in the said _____ having
 complained upon oath before me _____
 one of his majesty's justices of the peace in and for the said
 _____ that he the said _____ having been
 hired by _____ of the parish of _____ to be
 servant in the business of _____ and that during that
 service he the said _____ hath misused the said _____
 and particularly _____ These are to require
 you in his said majesty's name to summon the said
 to appear before me on _____ the _____ day of _____
 at _____ of the clock _____ in the _____ noon, to answer
 to the said complaint. And be you then there to certify what
 you have done in the execution hereof. Given under my hand
 and seal this _____ day of _____

No. 74.

No. 74. Discharge of a SERVANT complaining of ill Usage.

{ COMPLAINT having been made before me
for the said one of his majesty's justices of the peace in and
in the said on the oath of of
to a covenanted servant
That he the said of in the said
having been duly hired by
and having entered upon and continuing hitherto
in the service and employment of the said and
during the said service having been misused by the said
and particularly

And the said having been duly summoned to
appear before me to answer to the said complaint, but having
been not able, or not having appeared, to acquit himself of the
charge, which hath been fully proved against him; I do hereby
order, that he the said be discharged, and I do
hereby discharge him from his said service and employment.
Given under my hand and seal this day of
in the year

No. 75. Master's Complaint against the SERVANT.

{ A. B. of the parish of in the said
complaineth and maketh oath
before me one of his majesty's justices of the peace
in and for the said that of
in the aforesaid, servant in the business
of to him the said hath been guilty
of divers misdemeanors, in his said service towards him the
said and particularly bath and
thereupon he prayeth that justice may be done

This complaint was made before me
this day of in the year

No. 76.

No. 76. Warrant to apprehend a disorderly
SERVANT.

3 To the constable of

INFORMATION and complaint upon oath having been
made before me one of his majesty's justices
of the peace in and for the said by
of the parish of that of the said
parish, servant to him the said in the business
of bath been guilty of divers misdemeanors in
his said service, towards him the said and par-
ticularly

These are therefore to command you forthwith to bring the
said before me, to answer to the said complaint,
and to be further dealt with according to law. Given under
my hand and seal the day of in the
year of our Lord

No. 77. Commitment of a disorderly SERVANT.

3 To the constable of in the said
and to the keeper of the house of correction at
in the said

See No. 76. to the word particularly,

And I having duly examined the proofs and allegations of
both the said parties, and on due consideration of the complaint,
having adjudged and determined, that he the said
bath been guilty of divers misdemeanors in his said service:
These are to command you the said constable forthwith to convey
the said to the said house of correction,
and deliver him to the keeper thereof, together with this war-
rant. And you the said keeper are hereby charged and com-
manded to receive the said into your custody,
and there to keep, detain, and hold him to hard labour for
the

the space of _____ from the date hereof. For doing
which this shall be your sufficient warrant. Given under my
hand and seal this _____ day of _____
in the year _____

No. 78. A SUMMONS in general.

To the constable of _____

THESE are to require you, on sight hereof, to summon and
cause personally to appear before me (or some other of his
majesty's justices of the peace in and for the said _____)
at _____ in the said _____ at _____ o'clock
in the _____ noon, to answer to such things as shall be ob-
jected against him by _____ for
the case shall be;) And you are to be present at the said time
and place, to make the return of your due execution hereof.
Given under my hand and seal this _____ day of _____
in the year _____

No. 79. The Magistrate's Certificate of the SOLDIER's
Inlisting.

THESE are to certify that _____ of the age
of _____ years, born at _____ in the
county of _____ appeared this day before me
one of his majesty's justices of the peace for the said
_____ and declared that on the
day of _____ last past, he did voluntarily
inlist himself as a private soldier, to serve his majesty king
George _____ in his said majesty's _____ regiment of
_____ commanded by _____ and that he doth
now freely consent to the same. These are therefore to certify,
that he the said _____ is duly inlisted as aforesaid;
and that the second and sixth sections of the articles of war
against mutiny and desertion were also read unto him before
me this day, and that he hath also at the same time taken
_____ before

before me the oath mentioned in the said articles. Given
under my hand at this in the said of
the year of our Lord day of in

No. 80. *A Warrant to provide SOLDIER's Carriages.*

} To the constable of

WHEREAS an order for that purpose from the right
honourable his majesty's secretary at
war, (or, as the case may be) is this day produced to me
one of his majesty's justices of the peace for the said
I do hereby require you to provide
with able men to drive the same, within your constableness,
for carrying the arms, ammunition, and baggage belonging to
part of his said majesty's regiment of commanded by
on their march from in the
said county, to with which you are to appear
at afore said, precisely at the hour of
in the morning. Herein fail not, as you will answer the con-
trary at your peril. Given under my hand and seal at
in the said county of the
day of in the year of our Lord

No. 81. *Complaint for Non-payment of small TYTHES.*

} A. B.

minister of the parish of
complaineth before an
two of his majesty's justices of the peace in and
for the said against of the same
parish, for subtracting, withdrawing, or failing in the true
payment of the sum of for small tythes, offering
oblations, obventions, compositions, or agreements for the same

by the space of twenty days after demand made thereof; dated
the day of in the year

C. D. Vicar.

No. 82. Complaint against a Quaker for refusal
of TYTHES.

} THE complaint of minister of the parish
of laid before and
two of his majesty's justices of the peace in and for
the said against of the same parish,
being one of the people called quakers, for refusing to pay, or
compound for the tythes and other rights, dues and payments
belonging to the church of aforesaid: For which
he the said minister prayeth for such redresses as the law will
afford.

Signed this day of in the year

No. 83. A Summons for Non-payment of small
TYTHES.

} To the constable of

WHEREAS complaint in writing is made unto us
two of his majesty's justices of the peace for
the said by minister of the said
parish, against of your parish, for subtracting,
withdrawing, or failing in the true payment of the sum of
due to him the said for small tythes,
offerings, oblations, obventions, &c. within two years last past;
These are to require you to summon the said
personally to appear before us at the in
in the said at o'clock in the
noon, to answer the said complaint. And be you
there

there present to certify what you have done in the premisses.
Herein fail not. Given under our hands and seals this
day of in the year

No. 84. *Summons for the Payment of Quaker's*
TYTHES.

THE same as No. 83. only inserting after the words your
parish (being one of the persons called quakers) and ex-
tending the complaint beyond small tythes and offerings, to
tythes and other rights, dues and * payments belonging to the
church of

* Not exceeding ten pounds.

No. 85. *An Order for the Payment of small*
TYTHES.

To the constable of

WHEREAS of your parish, hath been duly
summoned to appear this day before us (being
two of his majesty's justices of the peace for the said
and neither of us patrons of your parish church or chapel from
whence the tythes do arise, nor any ways interested therein)
upon the complaint of minister of your parish
against the said for subtracting, withdrawing,
or failing in the true payment of the sum of
for small tythes, offerings, oblations, obventions, composition or
agreement for the same; and on the appearance of the said
before us (or in default of appearance, the
summons being duly proved) we having examined upon oath,
the evidence produced before us, touching the said complaint,
do adjudge that the same is true; and that there is justly due
to the said the sum of for the small
tythes, &c. as aforesaid: We do therefore hereby authorize
and

and require you on sight hereof to demand the said sum of
 from him the said together with
 the sum of * for costs and charges; which if he shall refuse
 or neglect to pay you for ten days, after such demand, then
 you are forthwith to certify the same unto us. Given under
 our hands and seals this day of
 in the year

* Not exceeding ten shillings.

N. B. This judgment must be inrolled at the next quarter
 sessions.

No. 86. *An Order for the Payment of Quaker's*
 TYTHES.

} To the constable of

THE same as in No. 85. only inserting after the word
 parish, in the first line, (being one of the people called
 quakers) and extending the order to the payment of tythes and
 other rights, dues, and payments belonging to the church of
 aforesaid, and due to him the said

No. 87. *A Warrant of Distress for small TYTHES.*

} To the constable of and to the church-
 wardens of the parish of in the said
 and to every of them.

WHEREAS upon our hearing and examining of a com-
 plaint laid before us and (being two
 of his majesty's justices of the peace in and for the said
 and neither of us patrons of the church or chapel)
 nor any ways interested in the tythes due to your church by
 minister of your parish, against
 of the same parish for substracting, withdraw-
 ing,

ing, or failing in the payment of the sum of ^{for} small tythes, offerings, &c. We did adjudge the same to be true, and did order you to demand the said sum of together with reasonable costs and charges; and the said having, as it appears on oath, refused to pay you the sum of ^{as aforesaid,} within ten days after demand; These are therefore to authorize and require you on sight hereof, to levy the * sum of ^{for tythes} and costs, as aforesaid, by distress of the goods of the said And if the said sum of ^{be not paid} within three days, together with the reasonable charges of distress, then you are to sell the same, and to return the over-plus to the party, reserving the said sum of and the reasonable charge of taking, keeping, and selling such distress. Given under our hands and seals this day of ^{in the year}

*N. B. This extends only to tythes under 40s. per annum, due within two years; and if the person shall insist on a *modus*, and deliver the same in writing to the justices, and give security to pay costs, the justices shall forbear to proceed.

No. 88. *Warrant to distress for Quaker's TYTHES.*

} To the constable of

THIS is the same with No. 87, except that (one of the people called quakers) is to be inserted; and the sum to be levied is not in lieu of small tythes, offerings, &c. but of tythes and other rights, due and * payments belonging to the church of ^{and due to him the said}

*N. B. This extends not beyond ten pounds, as mentioned in No. 84.

No. 89. *A Certificate from the Justices in one County, to the Justices in another, respecting TYTHES.*

WE whose names are underwritten, two of his majesty's justices of the peace for the said county, do hereby certify his majesty's justices of the peace for the county of _____ that on the _____ day of _____ last past, upon hearing and examining the complaint of _____ of the parish of _____ against _____ of the same parish, for subtracting, withdrawing, or failing in the payment of the sum of _____ being due to him for tythes or agreements for the same, we did in writing under our hands and seals adjudge that the said sum of _____ was justly due to the said _____ for the tythes as aforesaid, and made our order to levy the same, together with _____ for costs; but the said _____ removing before the same could be levied on his goods; you are therefore authorized by the laws now in force to levy by your warrant the said sum of _____ by distress and sale of the goods of the said _____ together with the sum of _____ for costs: which sum, when levied, the officers who shall levy the same, are to deliver to the complainant: after sale made of the distress, the officers are to deduct reasonable charges to be allowed by you for taking and keeping the distress. Given under our hands and seals, the _____ day of _____ in the year _____

No. 90. *A* Precept from the Justices to the High Constable to make a privy Search for VAGRANTS.*

} To the high constable of the hundred of _____

THESE are to require you to issue out your warrant to all petty constables and tythingmen in your hundred, requiring them to make a general privy search within their precincts, _____ in _____

in all suspected places where rogues and vagabonds do usually resort; that such persons, being duly brought before us, may be dealt with according to law. Given under our hands and seals the day of in the year

* On this precept the high constable's warrant is founded.

No. 91. *The VAGRANT's Examination.*

{ **T**HE examination of a rogue and vagabond, taken on oath before me one of his majesty's justices of the peace in and for the said this day of in the year of our Lord Who on b oath saith, that

Here are to be traced the particulars of his or her life, from the birth to the present time.

No. 92. *A Warrant for the public Whipping of a VAGRANT.*

{ To the constable of

YOU are hereby authorized and commanded forthwith publicly to whip or cause to be whipped a rogue and vagabond, this day found wandering and begging in the parish of in the said not having any legal settlement there, and now brought before me one of his majesty's justices of the peace in and for the said to be dealt with according to law: After which whipping, you are to remove and convey the said according to the directions of the pass herewith delivered to you. Given under my hand and seal this day of in the year

No. 93.

No. 93. *The Commitment of a VAGRANT.*

7 To the constable of _____ and to the keeper
5 of the house of correction at _____ in
the said _____

THESE are to command you the said constable forthwith to carry a rogue and vagabond, this day found wandering and begging in the parish of in the said not having any legal settlement therein, and thereupon apprehended and brought before me one of his majesty's justices of the peace in and for the said that he may be punished and dealt with according to law. And you the said keeper are hereby commanded to receive the said into your custody in the said house of correction, there to be safely kept to the next general quarter sessions of the peace for the said and have you then there, together with this precept. Given under my hand and seal this day of in the year

No. 94. *The Form of a VAGRANT Pass, within the same Jurisdiction.*

To the constable of _____ in the said _____
to receive and convey; and to the churchwardens,
chapelwardens, or overseers of the poor of the _____
of _____ in the said _____ or either
of them, to receive and obey.

WHEREAS was apprehended in the parish
of in the aforesaid, as
a rogue and vagabond, viz. (here name the species, or act of
vagrancy)

And upon examination of the said taken before
me one of his majesty's justices of the peace in
† H and

and for the said (which examination is here-
unto annexed) it doth appear, that lawful settlement is

These are therefore to require you the said constable, to
convey the said in the next direct way to the
said of within the said
and there to deliver him to some churchwarden,
chapelwarden, or overseer of the poor of the same
of to be provided for according to law. And
you the said churchwardens, chapelwardens, and overseers of
the poor, are hereby required to receive the said person, and
seal this day of in the year of
our Lord

Or more briefly thus:

3 To all his Majesty's justices of the peace, mayors,
headboroughs, constables, and others, whom it may
concern.

Permit the bearer to travel and pass from
to he (or she) demeaning himself
(or herself) quietly and soberly, and taking so many days (a
reasonable time) for accomplishing the journey.
Given under my hand and seal this day of

17

N. B. If the settlement or birth is in a remote county,
the vagrant, if not forwarded after whipping, by a pass to
the constable of the first parish in the next county, and
so on to the officers of the parish to which the vagrant
belongs, may be sent to the house of correction belonging
to the county in which he or she was apprehended, to
be conveyed from county to county.

No. 95. *The Form of a VAGRANT Pass to a distant county of England, or to Scotland.*

To the constable of _____ in the said _____ and also to all constables and other officers whom it may concern, to receive and convey; and to the churchwardens and overseers of the poor of the parish of _____ in the _____ of _____ to receive and obey: if in Scotland, to all constables and other officers (within that part of Great-Britain called Scotland) whom it may concern, to receive and obey.

WHEREAS, as in No. 94. to the word settlement, is in the parish of _____ in the county of _____ or that part of Great-Britain called Scotland: These are therefore to require you the said constable of _____ afore said, in the county of _____ afore said, to convey the said _____ to the town of _____ in the county of _____ that being the first town in the next precinct through which he ought to pass, in the direct way to the said parish of _____ to which he is to be sent, and to deliver h _____ to the constable or other officer of such first town in such next precinct, together with this pass, and the duplicate of the examination of the said _____ taking his receipt for the same: And the said _____ is to be thence conveyed on in like manner into the next adjoining shire, (or in that part of Great-Britain called Scotland, to the next stewarty or place) and is there to be delivered to some constable or other officer of the next parish, district, or place afore said, taking his receipt for the same: And such officer in the said parish of _____ in the county of _____ or in that part of Great-Britain called Scotland afore said, is hereby required to receive the said _____ and give such receipt as afore said, and to dispose of h _____ the said _____ according to law. Given under my hand and seal this _____ day of _____ in the year _____

N. B. This may properly be executed by sending the vagrant to the house of correction to be further conveyed from county to county.

No. 96. *The Form of a VAGRANT Pass to Ireland.*

To the constable of _____ in the said _____
 and also to all constables and other officers whom it
 may concern, to receive and convey; and to all
 other officers of the peace whom it may concern,
 to receive and obey.

WHEREAS, as in No. 94. to the word settlement, of
 _____ the said _____ is in the kingdom of Ire-
 land: These are therefore to require you the said constable
 to convey the said _____ to the town of _____
 in the county of _____ that being
 the first town in the next precinct through which ought to
 pass in the direct way to the said kingdom of Ireland, to
 which is to be sent, and to deliver h _____ to the constable
 or other officer of such first town in such next precinct, toge-
 ther with this pass, and the duplicate of the examination of
 the said _____ taking his receipt for the same. And
 the said _____ is to be thence conveyed on in like manner
 until shall arrive in the county of _____ and the
 constable or other officer to whom shall be delivered in the
 said county of _____ is hereby required to apply to some
 justice of the peace in and for the said county of _____
 for a warrant to the master of any ship or vessel bound for the
 said kingdom of Ireland, that shall lie in the said county of _____
 to take on board the said ship or vessel h _____
 the said _____ and convey h _____ to such place in the
 said kingdom of Ireland, as such ship or vessel shall be bound
 unto. Given under my hand and seal this _____ day of _____
 in the year of our Lord _____

No. 97. *An Order for the Constable's Charges in passing a VAGRANT.*

To the high constable of the hundred of _____

WHEREAS _____ a rogue and vagabond was
 by my order conveyed from the parish of _____ in

in this (on foot or on horseback, or in a cart, as
the case is) to the parish of _____ in the county of _____
being the nearest parish in the next county
through which he or she ought to pass towards the place of his or
her* birth, the distance of which is _____ miles; I do order
you to pay _____ being the officer who conveyed him, the
sum of _____ per mile for conveyance, the said
having now produced a receipt under the hand of the
parish officer to whom he delivered the said vagrant, and also
making oath that it is a true receipt. Given under my hand
and seal this _____ day of _____ in the year
of our Lord

* Or last legal settlement.

No. 98. An Order to the high Constable to pay 10s. for
apprehending a VAGABOND.

} To the high constable of the hundred of _____

THESE are to authorize and require you within six days
after demand thereof, to pay to _____ the sum
of ten shillings, being the reward appointed by an act of parlia-
ment of 13 George II. for apprehending a vagabond named _____
and bringing him before me
one of his majesty's justices of the peace in and for the said
to be dealt with according to law; for which
the said _____ will give you his receipt, together with
this order. Given under my hand and seal this
_____ day of _____ in the year of our Lord

No. 99. A Warrant to levy 20s. on a Constable refusing to
obey the Order, No. 98.

} To all constables and other peace officers in the said
_____ of _____

THESE are to authorize and require you, on sight hereof
to levy the sum of twenty shillings by distress and sale of
the _____

the goods of high constable of the
 hundred of
 (if not otherwise paid) for his refusing to pay 10s. to
 granted him by my order for appre-
 hending a vagabond in the parish of which 20s.
 you are to pay to the said Given under my
 hand and seal the day of
 year in the

No. 100. A WARRANT.

3 To the constable of

THESE are in his majesty's name to require you on sight
 hereof, to bring of your parish
 before me or some other of his majesty's justices of
 the peace in and for the said county, to answer to such things as
 shall be objected against him by for
 Hereof fail not at your peril. Given under my hand and seal
 this day of
in the year

No. 101. Form of Indorsing a WARRANT.

3 FORASMUCH as proof upon oath hath been made
 before me one of his majesty's justices of
 the peace for the said of that the name
is of the hand writing of the justice of the
 peace within mentioned; I do hereby authorize
 who bringeth to me this warrant, and all other persons to
 whom the said warrant is directed, to execute the same within
 the said of Given under my hand
 and seal this day of
in the year

No. 102. *A search Warrant for stolen Wood.*

To the constable of

WHEREAS complaint hath been this day made on oath before me one of his majesty's justices of the peace for the said by of the parish of that divers quantities of wood, consisting of within the space of six weeks last past, have been cut, taken and carried away, off, and from his lands at in the said and that he hath just cause to suspect, and doth suspect, that the said wood, or part thereof, is concealed in the houses or other premises belonging to of the parish of in the said

These are to require you to enter into and search the said houses and other places belonging to such houses of the said at aforesaid; and if on such search you shall there find any such wood, then you are to bring such person or persons in whose custody the same shall be found before me, or some other of his majesty's justices of the peace for the said to be proceeded against according to law. Given under my hand and seal at in the aforesaid, this day of in the year

No. 103. *A Warrant to levy the Penalty for stolen Wood.*

To the constable of

WHEREAS of your parish being brought before me one of his majesty's justices of the peace for this is lawfully convicted, by the oath of one witness, of cutting, taking, and carrying off wood belonging to of the parish of and is unable to give any good account how he

he or she came by the said wood: I do therefore hereby order,
 that pay the sum of _____ to _____ the proprie-
 tor of the said wood, within _____ days next after
 notice given him hereof; and over and above the said sum, the
 sum of * _____ for the use of the poor of the said parish.
 Given under my hand and seal this _____ day of
 _____ in the year

* Ten shillings.

No. 104. *A Warrant of Commitment for stealing Wood.*

To the constable of _____ and to the keeper of
 the house of correction in the said _____

WHEREAS _____ of the parish of _____
 in the said _____ was duly convicted
 before me _____ one of his majesty's justices of the
 peace in and for the said _____ of having cut, taken
 and carried away a certain quantity of wood, the property of
 _____ of the parish of _____ And
 thereupon was ordered to pay the sum of _____
 to the said _____ as a satisfaction for damages, and
 also the sum of _____ for the use of the poor; which
 sums have not, after due notice of this my order, been paid;
 I do therefore hereby require you the said constable of
 _____ to convey the said _____ to the house of
 correction aforesaid, and to deliver _____ to the keeper thereof
 with this warrant: And I do hereby command you the said
 keeper to receive the said _____ into your custody
 in the said house of correction, and there to detain _____ for the
 space of _____ from the date hereof. Herein fail not.
 Given under my hand and seal at _____
 in the said _____ this _____ day of
 _____ in the year _____

N. B. First offence, imprisonment, not exceeding a
 month; or a whipping. Second offence, hard labour
 for a month. Third offence, punishment as an incor-
 rigible rogue.

No. 105. Commitment (after a Summons) for aiding and assisting in carrying off WOOL.

} To the constable of _____ and to the keeper of _____
in the said _____

WHEREAS it is proved on oath, before us his majesty's justices of the peace in and for this
that _____ of the parish of _____ did
lately aid, assist, or abet several persons in carrying off wool
to be exported, contrary to law, and whereas the said
being summoned, and now appearing before us, cannot alledge
any thing to the contrary: These are therefore to require you,
on sight hereof, to convey the said
to the goal aforesaid, and deliver him to the keeper thereof, to
be by him kept for three years without bail. Given under our
hands and seals, this _____ day of
in the year _____

No. 106. FREEHOLDER'S ATTESTATION.

[Request to be enrolled in the register of the Freeholders for
in the county of _____
and I do solemnly swear [or, being one of the people called
Quakers, I do solemnly affirm] that my name is A. B. and
that I am _____ [specifying the addition,
profession, or trade of such person] and that the usual place
of my abode is at _____ [and if it be in a town,
consisting of more streets than one, then specifying in what
street] in the county of _____ and that I really and
truly have in the said parish or district [or, in the said parish
or district, and in _____, specifying in what other
parish _____

+ I

parish

parish or district, if the case shall be so, in the said county] an estate of the clear yearly value of 40s. over and above the interest of any money secured by mortgage upon the said estate, and also over and above all rents and out-goings payable out of or in respect of the said estate, other than parliamentary, public, or parochial taxes, and that the said estate consists of

[specifying whether the same consist of lands, or of messuage, or of tythes, or of an office, or of a rent charge; and if the said estate consist of lands, or of messuage, or of both, then naming some occupier of such lands or messuage; or if the said estate consist of an office, then naming the same] and that I am, by myself or others, in the actual possession or receipt of the rents or profits of the said estate, for my own use; and that, to the best of my knowledge and belief, I have in my estate a freehold. Witness my hand, this day of
one thousand hundred and

A. B.

The said oath [or affirmation] was taken
and subscribed, on the day and year
aforesaid, before me, C. D. one of the } C. D.
justices of the peace for the county of }

NO. 107. FREEHOLDER'S OATH.

I Do solemnly swear, [or, being one of the people called Quakers, I do solemnly affirm] That my name is E. F. and that I am [specifying the addition, profession, or trade of such person] and that the usual place of my abode is at [and if it be in a town consisting of more streets than one, specifying in what street] in the county of and that the above attestation does, to the best of my knowledge and belief, come from A. B.
the

the person therein mentioned. *Witness my hand, this* day of *one thousand* *hundred and*

The said oath [or affirmation] was taken
and subscribed, on the day and year
aforesaid, before me, G. H. one of the
justices of the peace for the county of

G. H.

The said oath [or affirmation] was taken
and subscribed, on the day and year
aforesaid, before me, G. H. one of the
justices of the peace for the county of

NOT FOR FREEHOLDERS OATH

... my power, for being one of the people called
... I do solemnly affirm) That my name is ...
[specifying the addition]
... or trade of such person] and that the usual place
[and it be in a town]
... of more streets than one, specifying in what street
... and that the above addition
... my knowledge and belief - some from ...

Forms

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Forms of Conviction

BEFORE ONE OR MORE

JUSTICE or JUSTICES of the PEACE,

OUT OF SESSIONS.

Alehouse-Keeper

Convicted of selling liquors, after being disqualified.

BY the words of the statute the said conviction shall be in this form, or to this effect:

A B is convicted on his own confession, (or on the oath of —) of having sold ale, beer, or other liquors, in the parish of —, in this county, on the day of — after being disabled to sell the same. This is the first, second, or third conviction. Given under my hand and seal this day of —

Which said conviction shall be certified to the next sessions, to be filed amongst the records.

Convicted of selling ale, &c. without a licence, as specially directed by 5 G. 3, c. 46.

BE it remembered, that on this day of — in the year —
A. B. of — was duly convicted before me, C. D. esquire, one of his Majesty's justices of the peace
* A

peace for the county of for selling ale, or beer, or other exciseable liquors, (as the case shall be) without being duly licenced so to do, according to the statutes in such case made and provided, whereby he has forfeited the sum of this being the first, second, or third offence, (as the case shall be) besides the costs and expences of this conviction; which costs and expences I the said justice of the peace do hereby ascertain and assess at the sum of pursuant to the statute in such case made and provided. Given under my hand and seal, the day and year above written.

Baker

Convicted of selling bread, defective in quality, weight, baking, &c.

BE it remembered, that on this day of in the year of the reign of A. B. is convicted before me one of his Majesty's justices of the peace for the said county of for [here state the offence] and I do adjudge him to pay and forfeit for the same the sum of Given under my hand and seal the day and year aforesaid.

For adulterating bread with allum, &c.

BE it remembered, that on this day of in the year of the reign of A. B. is convicted before me C. D. esquire, one of his Majesty's justices of the peace for the said county, for putting into and using in the making of bread to be sold, a preparation or mixture in which allum was an ingredient: [or as the case may be], And I do adjudge him to pay and forfeit for the same, the sum of five pounds. Given under my hand and seal the day and year aforesaid.

Bricks

Bricks and Tiles.

BE it remembered, that on the day of
in the year of our Lord A. B. is con-
victed before me C. D. one of his Majesty's justices of
the peace for the of [specifying the
offence, and the time and place when and where the
same was committed, as the case shall be, within one
calendar month]. Given under my hand and seal, the
day and year aforesaid.

Conviction.

A general Form, when a special one is not di-
rected by any act of parliament.

BE it remembered, that on the
day of in the year
of the reign of by the grace of God, of Great
Britain, France, and Ireland, King, defender of the
faith, and so forth, at in the county of
aforesaid, A. B. of cometh before me C. D.
esquire, one of the justices of our said Lord the King,
assigned to keep the peace of our said Lord the King in
the said county, and also to hear and determine divers
felonies, trespasses, and other misdemeanors in the said
county committed, [residing near to the place where the
offence hercin-after mentioned was committed; or as the
statute requires] and giveth me the said justice to under-
stand and be informed, that one E. F. of in the
said county, yeoman, on the day of now
last past, at in the said county, did [here set
forth the fact, in the words of the statute as near as
may be] against the form of the statute in such case
made and provided: and afterwards, upon the afore-
said day of in the year aforesaid, at

aforesaid, in the county aforesaid, he the said E. F. after being duly summoned in this behalf before me the justice aforesaid appeareth, and is present, in order to make his defence against the said charge contained in the said information, and having heard the same, he the said E. F. is asked by me the said justice, if he can say any thing for himself, why he the said E. F. should not be convicted of the premises above charged upon him in form aforesaid; who pleadeth that he is not guilty of the said offence. Nevertheless on the day of aforesaid, in the year aforesaid, at aforesaid, in the county aforesaid, one credible witness, to wit, G. H. of yeoman, cometh, and before me the same justice upon his oath on the holy gospel to him then and there by me administered, deposeth, sweareth, and on his oath aforesaid affirmeth and saith, that the aforesaid E. F. on the day of aforesaid, in the county aforesaid, did [here again set forth the fact, or so much thereof as is sufficient to convict the offender] And thereupon the aforesaid E. F. the day of aforesaid, in the year aforesaid, before me the justice aforesaid, by the oath of one credible witness aforesaid, according to the form of the statute aforesaid is convicted; and for his offence aforesaid hath forfeited the sum of of lawful money of Great Britain, to be distributed as the statute aforesaid doth direct. In witness whereof, I the said justice to this present record of the conviction as aforesaid, have set my hand and seal at aforesaid, in the county aforesaid, the day and year first above written.

If he confesses the fact then say, — And because the said E. F. hath nothing to say, nor can say any thing in his own defence touching and concerning the premises aforesaid, but doth of his own accord freely and voluntarily acknowledge and confess all and singular the said premises to be true, in manner and form as the same are charged upon him in the said information: and because all and singular the premises being heard and fully understood by me the said justice, it manifestly appears to
me

me [Or, if the party hath been summoned,
and doth not appear, then say,] Whereupon,
on the said day of _____ in the year aforesaid, at
aforesaid, in the county aforesaid, he the said
E. F. was duly summoned in this behalf, to appear be-
fore me, in order to make his defence against the said
charge contained in the said information, but the said
E. F. doth neglect to appear before me, and doth not
appear, nor make any defence against the said charge as
aforesaid: Therefore I the said justice, on the said
day of _____ in the year aforesaid, at _____ aforesaid,
in the county aforesaid, do proceed to examine into the
truth of the said complaint; And G. H. of _____ a
credible witness, cometh before me the same justice, and
upon his oath, &c.

Costs,

Awarded on conviction.

County or } I A. B. one of his Majesty's justices of
borough of } the peace in and for the
to wit. } aforesaid, in pursuance of an act made
in the eighteenth year of his Majesty King
George the Third, intituled, An act for the payment of
costs to parties, on complaints determined before jus-
tices of the peace, &c. ; on the complaint of
against _____ for [here state the offence generally,
and the date]
which said complaint was heard and determined by me on
the _____ day of _____ Do award the following
costs to be paid by _____ videlicet, [here state the
costs]. Given under my hand and seal this
day of _____ in the year of our Lord ———.

Dogs.

Dogs,—Stolen.

BE it remembered, that on the day of
in the year of our Lord A. B. is con-
victed before us, of his Majesty's justices of the
peace for the of (specifying
the offence, and the time and place when and where
the same was committed, as the case shall be). Given
under our hands and seals the day and year aforesaid.

Excise.

Of Spirituous Liquors.

A. B. is convicted on his own confession, (or on the
oath of C. D.) of having sold strong waters in
the parish of in this county, on the day
of without being duly licensed thereto: This is the
first or second conviction. Given under my hand and
seal, &c.

Of Tea,—adulterated.

A. B. upon complaint of C. D. (on parchment or
paper.)

BE it remembered, that on the day of
in the year A. B. was, upon complaint of
C. D. convicted before me one of the justices of the peace
for in pursuance of an act passed in the seven-
teenth year of the reign of his Majesty King George the
Third, for [Here set forth the offence] Given under
my hand and seal the day and year above-written. This
conviction shall be certified by the justice to the next
sessions; and shall not be quashed for want of form,
nor removed by certiorari into his Majesty's court of
King's bench.

Game.

Game.

BE it remembered, that on the day of in the year of our Lord at in the county of , A. B. came before me C. D. one of his Majesty's justices of the peace for the said county, residing near the place where the offence was committed, and informed me that E. F. of on the day of now last past, did use a gun, dog, net, or other engine, [as the case may be] for the taking, or destruction of game; and did thereby and therewith take, kill and destroy a hare, or other game, [as the case may be] here state the fact; without having the certificate required by law for that purpose; whereupon the said E. F. after being duly summoned to answer the said charge, appeared before me, and having heard the charge contained in the said information, declared he was not guilty of the said offence, or [as the case may be,] did not appear before me, pursuant to the said summons, or did neglect and refuse to make any defence against the said charge, but the same being fully proved upon the oath of G. H. a credible witness, or, [as the case may be], acknowledged and voluntarily confessed the same to be true; and it manifestly appears to me, that he the said E. F. is guilty of the offence charged upon him in the said information: I do therefore hereby convict him of the offence aforesaid, and do declare and adjudge, that he the said E. F. hath forfeited the sum of of lawful money of Great-Britain, for the offences aforesaid, according to the form of the statute, in that case made and provided.

Given under my hand and seal the day of in the year

Heath,

Heath, Fowl, Grouse, &c.

BE it remembered, that on the day of in the year of our Lord A. B. having appeared before me one of his Majesty's justices of the peace for the county of and due proof having been made upon oath by one or more credible witnesses or witnesses, or by confession of the party, [as the case may be] is convicted of [specifying the offence, with the time and place where the same was committed, and also specifying, if known, that it is the first, second, or any subsequent offence against this act, as the case shall be]. Given under my hand and seal the day and year aforesaid.

Which conviction the justice shall cause to be written on parchment, and returned to the next sessions, there to be filed and kept amongst the records. And the clerk of the peace shall grant copies thereof on payment of 1s. for each copy.

Fish.

BE it remembered, that on this day of in the year of the reign of A. B. is convicted before me one of his Majesty's justices of the peace for the of for [here state the offence] and I do adjudge him to pay and forfeit the sum of Given under my hand and seal the day and year aforesaid.

Gaming.

BE it remembered, that on this day of in the year of his Majesty's reign, A. B. is convicted before of his Majesty's justices of the peace for the said county of

[or, as the case shall be] for and
the said do adjudge him, or her, to pay and
forfeit for the same, the sum of Given under
my hand and seal the day and year aforesaid.

Glove-Tax.

BE it remembered, that on the day of
in the year of our Lord
in the county of A. B. of was con-
victed before me C. D. one of his Majesty's justices of
the peace for the said county, residing near the place
where the offence was committed, for that the said A. B.
on the day of now last past, did [here
state the offence as the case may be], contrary to the
statute in that case made and provided; and I do declare
and adjudge that he the said A. B. hath forfeited the sum
of of lawful money of Great Britain, for the
offence aforesaid, to be distributed as the law directs.
Given under my hand and seal, the day of

Gaols.

Conviction of a person selling Liquors.

BE it remembered, that on the day
of in the year of the
reign of his Majesty A. B. is convicted before
of his Majesty's justices of the peace for the
said by virtue of an act of parliament made in the
24th year of the reign of his Majesty King George the
third, entitled, An act to enable justices of the peace
to build and repair gaols in their respective counties,
of [here set forth the offence, and the time when, and
* B place

place where the same was committed]. Given under
our hands and seals, the day and year aforesaid.

Highways.

BE it remembered, that on the
day of _____ in the year of
our Lord _____ at _____ in the county aforesaid,
A. B. came before me C. D. esquire, one of his Majesty's
justices of the peace of the said county, and informed me,
that E. F. of _____ on the _____ day of _____ now
last past, at _____ in the said county, did [here set
forth the fact in the manner described by the statute]
Whereupon the said E. F. after being duly summoned to
answer the said charge, appeared before me on the
day of _____ at _____ in the said county, and
having heard the charge contained in the said informa-
tion, declared, that he was not guilty of the said offence:
But the same being fully proved upon the oath of _____ a
credible witness, it manifestly appears to me the said jus-
tice, that he the said E. F. is guilty of the offence charged
upon him in the said information. It is therefore con-
sidered and adjudged by me the said justice, that the
said E. F. be convicted, and I do hereby convict him of
the offence aforesaid; and I do hereby declare and ad-
judge that he the said E. F. hath forfeited the sum of
_____ of lawful money of Great Britain, for the offence
aforesaid, to be distributed as the law directs, according
to the form of the statute in that case made and provided.
Given, &c.

If the party doth not appear upon the summons,
then, after the words—being duly summoned to answer
the said charge, insert, did not appear before me pur-
suant to the said summons: or, did neglect and refuse to
make any defence against the said charge; but the same
being fully proved, &c.

If the party confesses the charge, then after the words—contained in the said information, insert, acknowledged and voluntarily confessed the same to be true, and it manifestly appears to me the said justice, &c.

Larceny.

BE it remembered, that on the day of in the year A. B. was convicted before us of the justices of the peace for of a misdemeanor, in having in his possession, [or, in having, carrying, or conveying of] lead, iron, copper, brass, bell-metal, or solder, [as the case shall be], suspected to be stolen or unlawfully come by, and not producing the party or parties of whom he bought or received the same, nor giving a satisfactory account how he came by the same, nor producing any credible witness to depose upon oath the sale or delivery thereof, [or, of neglecting to apprehend and secure the person who brought and offered to pawn, sell, or deliver lead, iron, copper, brass, bell-metal, or solder, suspected to be stolen or unlawfully come by; as the case shall be:] Given under our hands and seals the day and year aforesaid.

Pawning.

BE it remembered, that on this day of in the year of his Majesty's reign, A. B. is convicted before of his Majesty's justices of the peace for the said of [as the case shall be] for and the said do adjudge him (or her) to pay and forfeit for the same, the sum of . Given under the day and year aforesaid.

Servants.

Servants.

To clothiers, &c. (on parchment.)

BE it remembered, that on the day of
in the year of our Lord A. B. is con-
victed before me one of his Majesty's justices of
the peace in and for the of of having
[here specify the offence, and the time and place
when and where the same was committed]. Given
under my hand and seal the day and year first above-
mentioned.

----- To hatters, &c. (on parchment).

BE it remembered, that on the day of
in the year of our Lord A. B. was con-
victed before us of his Majesty's justices of the
peace in and for the said county of [or as the
case shall be] of [Here specify the offence,
and when and where committed.] Given under our
hands and seals the day and year first above written.

N. B. Before two justices.

----- False reeling, (on parchment).

BE it remembered, that on the day of
in the year of our Lord A. B. is convicted
before me one of his Majesty's justices of the peace
for [specifying the offence, and the time and
place when and where committed, and also specifying
that it is the first, second, or third offence against this
act, as the case shall be] Given under my hand and
seal, the day and year first above-mentioned.

N. B. Before one justice.

Watchmakers,

Watchmakers, &c.

BE it remembered, that on the day of in the year of his Majesty's reign, A. B. was convicted before me [or us] of his Majesty's justices of the peace for the said county of or [as the case shall be] of purloining, imbezelling, secret- ing, selling, pawning, exchanging, or unlawfully dis- posing of or buying, receiving, or taking to pawn [as the case shall happen to be] [specifying the respective goods, materials, or effects] the pro- perty of C. D. of in the county of Given under my hand and seal [or our hands and seals] the day and year aforesaid.

Slaughtering Horses.

AB. is convicted, on the oath of C. D. inspector of houses and places for slaughtering horses, for the parish of E. in the county of F. of refusing to pay the sum of being the expence of an advertisement or advertisements [as the case may be] inserted in the [Daily Advertiser, or some other] public newspaper cir- culated in the county, [as the case may be], pursuant to the directions of the statute in that case made and pro- vided, Given under my hand and seal, this day of

Slaughtering Horses, No. II.

BE it remembered, that on this day of in the year A. B. licensed for slaughtering horses, is convicted, upon the oaths of C. D. and E. F. two credible witnesses, before me G. H. one of his Majesty's justices of the peace for the county of of having

having wilfully made, or caused to be made, [as the case may be], a false entry in the book required by the statute, in that case made and provided, to be kept by the said A. B. whereby he, [she, or they] has [or have] forfeited the sum of Given under my hand and seal, the day and year above written.

Slaughtering Horses, No. III.

BE it remembered, that on this day of in the year A. B. was convicted, upon the oath of two credible witnesses, before me C. D. one of his Majesty's justices of the peace for the county of for occasionally lending a house [or place, as the case may be], for the purpose of slaughtering horses, [or, as the case may be,] of slaughtering cattle for other purposes than for butchers meat, without a licence for that purpose first obtained, according to the statute in that case made and provided.

Given under my hand and seal, the day and year above written.

Swearing.

(On parchment)

BE it remembered, that on the * day of in the year of his Majesty's reign, A. B. was convicted before me one of his Majesty's justices of the peace for the county, riding, division, or liberty aforesaid; or before me mayor of the city or town of within the county of of swearing one or more profane oath or oaths, or of cursing one or more profane curse or curses. Given under my hand and seal the day and year aforesaid.

* N. B. Within eight days of the offence.

Turnips.

Turnips.—Stealing.

BE it remembered, that on the day of
 in the year of our Lord A. B. is duly con-
 victed before me C. D. esquire, one of his Majesty's jus-
 tices of the peace for the county of [specifying
 the offence, and the time and place when and where
 the same was committed, as the case shall be.] Given
 under my hand and seal the day and year aforesaid.

Wood.—Stolen.

BE it remembered, that on the day
 of in the year A. B.
 was, upon the complaint of C. D. convicted before
 of the justices of the peace for in pursuance of an
 act passed in the sixth year [or if the prosecution is on
 the 9 G. 3, c. 41. then say, in the ninth year] of the
 reign of his Majesty King George the third, for
 as the case shall be].

Given under hand and seal, the day and year
 above written.

Turnips.—Stealing.

B E is remembered, that on the day of the year of our Lord A. B. is truly con- sidered before me C. D. esquire, one of his Majesty's Jus- tices of the peace for the county of [specifying the offence, and the time and place when and where the same was committed, as the case shall be.] Given under my hand and seal the day and year expressed.

Wood.—Stolen.

B E is remembered, that on the day of the year of our Lord A. B. is truly con- sidered before me C. D. esquire, one of his Majesty's Jus- tices of the peace for the county of [specifying the offence, and the time and place when and where the same was committed, as the case shall be.] Given under my hand and seal the day and year expressed.

B E is remembered, that on the day of the year of our Lord A. B. is truly con- sidered before me C. D. esquire, one of his Majesty's Jus- tices of the peace for the county of [specifying the offence, and the time and place when and where the same was committed, as the case shall be.] Given under my hand and seal the day and year expressed.

Oaths of Office, Qualification, &c.

Chief Commissioner of Salt-Duties.

YOU shall swear to execute your office, truly and faithfully, without favour or affection, and shall from time to time true account make and deliver to such person and persons as his majesty shall appoint to receive the same; and shall take no fee or reward for the execution of the said office, from any other person than from his majesty, or those whom his majesty shall appoint on that behalf: So help you God.

Church-Wardens.

YOU shall swear truly and faithfully to execute the office of a churchwarden within your parish, and according to the best of your skill and knowledge present such things and persons as to your knowledge are presentable by the laws ecclesiastical of this realm: so help you God and the contents of this book.

Clerk of the Peace.

YOU shall swear, that these estreats, now by you delivered, are truly and carefully made up and examined, and that all fines, issues, amerciaments, recognizances, and forfeitures, which were set, lost, imposed, or forfeited, and in right and due course of law ought to be estreated in the court of exchequer, are, to the best of your knowledge and understanding, therein contained; and that in the same estreats are also contained and expressed, all such fines as have been paid into the court, from which the said estreats are made, without any wilful or fraudulent discharge, omission, misnomer, or defect whatsoever.

* C

Constable

Constable.

YOU shall well and truly serve our sovereign lord the king, [and the lord of this leet, if sworn in a court leet] in the office of constable, for the township of for the year ensuing, according to the best of your skill and knowledge: So help you God.

The Juror's oath.

YOU shall true inquiry and presentment make of all such things as shall come before you, concerning a forcible entry [or detainer] said to have been lately committed in the dwelling house of yeoman, at in this county; you shall spare no one for favour or affection, nor grieve any one for hatred or ill-will, but proceed herein according to the best of your knowledge, and according to the evidence that shall be given to you: So help you God.

The oath that A. F. your foreman hath taken on his part, you and every of you shall truly observe, and keep on your parts: So help you God.

Surveyor's oath on passing his accounts.

I A. B. do swear, that the accounts now produced and delivered by me, as surveyor of the highways for the of for the last year, are just and true, to the best of my knowledge. So help me God.

House-Duty. Assessor's Oath.

I A. B. do swear, That in the assessment which I shall make of the houses and household offices within the district or parish for which I am appointed an assessor, I will rate each at the true annual value, according to the best of my judgment and skill; and that I will truly and faithfully execute the trust reposed in me, by virtue of an act of the eighteenth year of his present majesty, for imposing a new duty

duty on all houses of five pounds a year and upwards: So help me God.

Justice of the Peace.

His Oath of Office.

YOU shall swear, that as justice of the peace in the county of _____ in all articles in the king's commission to you directed, you shall do equal right to the poor and to the rich, after your cunning, wit, and power, and after the laws and customs of the realm, and statutes thereof made: And ye shall not be of counsel of any quarrel hanging before you: And that ye hold your sessions after the form of the statutes thereof made: And the issues, fines, and amerciaments that shall happen to be made, and all forfeitures which shall fall before you, ye shall cause to be entered without any concealment (or embezilling) and truly send them to the king's exchequer. Ye shall not let, for gift or other cause, but well and truly ye shall do your office of justice of the peace in that behalf: And that you take nothing for your office of justice of the peace to be done, but of the king, and fees accustomed, and costs limited by statute. And ye shall not direct, nor cause to be directed, any warrant (by you to be made) to the parties, but ye shall direct them to the bailiff of the said county, or other the king's officers or ministers, or other indifferent persons, to do execution thereof. So help you God.

His Oath of Qualification.

I A. B. do swear, that I truly and bona fide have such an estate, in law or equity, to and for my own use and benefit, consisting of _____ (specifying the nature of such estate, whether messuage, land, rent, tythe, office, benefice, or what else) as doth qualify me to act as a justice of the peace for the county, riding, or division of _____ according to the true intent and meaning of an act of parliament made in the eighteenth year of the reign of his majesty king George the second, entitled, an act to amend and render more effectual an act passed in the fifth year of his present majesty's reign, entitled an act for the further qualification of justices of the peace; and that the same (except where it consists of an office, benefice, or ecclesiastical pre-

serment, which it shall be sufficient to ascertain by their known and usual names) is lying or being, or issuing out of lands, tenements, or hereditaments, being within the parish, township, or precincts of _____ or in the several parishes, townships, or precincts of _____ in the county of _____ or in the several counties of _____ (as the case may be)

Militia-Man's Oath.

I A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to his majesty king George; and I do swear, that I am a Protestant, and that I will faithfully serve in the militia, within the kingdom of Great Britain, for the defence of the same, during the time of five years for which I am inrolled, unless I shall be sooner discharged.

Substitute's Oath.

I A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to his majesty king George; and I do swear, that I am a Protestant, and that I will faithfully serve in the militia, within the kingdom of Great Britain, for the defence of the same, during the time of five years, or for such further time as the militia shall remain embodied, if, within the space of five years, his majesty shall order and direct the militia to be drawn out and embodied, unless I shall be sooner discharged.

Post-Office.

Postmaster's Oath.

I A. B. do swear, that I will not wittingly, willingly, or knowingly open, detain, or delay, or cause, procure, permit, or suffer to be opened, detained, or delayed, any letter or letters, packet or packets, which shall come into my hands, power, or custody, by reason of my employment in or relating to the post-office; except by the consent of the person or persons

to whom the same is or shall be directed, or by an express warrant in writing, under the hand of one of the principal secretaries of state for that purpose; or except in such cases, where the party or parties to whom such letter or letters, packet or packets, shall be directed, or who is or are chargeable with the payment of the port or ports thereof, shall refuse or neglect to pay the same, and except such letters or packets, as shall be returned for want of true directions, or when the party or parties to whom the same is or shall be directed, cannot be found: and that I will not any way embezzle any such letter or letters, packet or packets, as aforesaid.

On delivering his Accounts.

I A. B. do swear, (or affirm, as the case may require), that the several weekly accounts, now by me delivered, of the duties arising upon horses, which I have let for the purpose of travelling post, or otherwise, from the day of to the day of as far as the same have been entered and kept by me, are fair, just, and true accounts; and that I have charged therein the duty for the true number of miles, received for the use of his majesty, from the travellers who have hired horses from me; and that I have inserted therein an account of all the day-tickets, notes, and certificates issued by me; and as far as such accounts have been entered and kept by any other person or persons, I verily believe the same to be true. So help me God.

Returning Officer's Oath.

I A. B. do solemnly swear, that I have not, directly or indirectly, received any sum or sums of money, office, place, or employment, gratuity, or reward, or any bond, bill, or note, or any promise of gratuity whatsoever, either by myself, or any other person to my use or benefit or advantage, for making any return at the present election of members to serve in parliament; and that I will return such person or persons as shall, to the best of my judgement, appear to me to have the majority of legal votes.

Riot,

Riot, Rout, &c.—Juror's Oath.

YOU shall true inquiry and presentment make of all such things as shall come before you, concerning a riot, rout, and unlawful assembly said to have been lately committed at in this county; you shall spare no one for favour or affection, nor grieve any one for hatred or ill will, but proceed herein according to the best of your knowledge, and according to the evidence that shall be given to you: So help you God.

The oath which your foreman hath taken on his part, you and every of you shall well and truly observe and keep on your parts. So help you God.

Servants.

Assessor's Oath.

I A. B. do swear, [or affirm, as the case may require] that in the assessment which I am required to make by authority of an act made in the twenty-fifth year of king George the third, to repeal the duties on male servants; and for charging new duties upon male and female servants, I will act according to the best of my skill and knowledge. So help me God.

Sheriffs Officers' Oath, before two Justices.

I A. B. will not use or exercise the office of bailiff corruptly, during the time that I shall remain therein, neither shall or will accept, receive, or take, by any colour, means, or device whatsoever, or consent to the taking of any manner of fee or reward of any person or persons for the impanelling, or returning of any inquest, jury, or tales, in any court of record, for the king, or betwixt party and party, above 2s or the value thereof, or such fees as are allowed and appointed for the same by the laws and statutes of this realm; but will according to my power, truly and indifferently, with convenient speed impanell all jurors, and return all such writ or writs touching

touching the same, as shall appertain to be done by my duty or office, during the time that I shall remain in the said office. So help me God.

Shop-Tax.

Commissioner's Oath.

I A. B. do swear, that I will truly and faithfully execute the office of a commissioner, according to an act, made in the twenty-fifth of king George the third, for granting to his majesty certain duties on shops within Great Britain; and will determine upon all appeals, which shall be brought before me under the said act, according to the best of my skill and knowledge. So help me God.

Assessor's Oath.

I A. B. do swear, (or affirm, if a quaker) that in the assessment which, by authority of an act made in the twenty-fifth year of the reign of king George the third, for granting to his majesty certain duties on shops within Great Britain, I shall make upon the houses, buildings, and places, liable to any of the said duties within the district or parish for which I am appointed an assessor, I will rate each at the true annual value, according to the best of my judgment and skill; and that I will truly and faithfully execute the trusts reposed in me by virtue of the said act. So help me God.

Transferring-Act.

Commissioner's Oath.

I A. B. do swear, that I will truly and faithfully execute the office of a commissioner, according to an act made in the twenty-fifth year of the reign of king George the third, for transferring the receipt and management of certain duties therein mentioned from the commissioners of excise, and the commissioners of stamps respectively, to the commissioners for the affairs of taxes; and also for making further provisions

provisions in respect to the said duties so transferred; and will determine, without favour or affection, upon all appeals which shall be brought before me, under the said act, according to the best of my skill and knowledge. So help me God.

Assessor's Oath.

I A. B. do swear, [or affirm, as the case may require] that in making the assessment, which by authority of an act, made in the twenty-fifth year of the reign of king George the third, for transferring the receipt and management of certain duties therein mentioned, from the commissioners of excise, and the commissioners of stamps respectively, to the commissioners for the affairs of taxes, I will charge all persons according to the best of my skill and knowledge. So help me God.

Wool-Searcher's Oath.

I Do swear, that I will faithfully, impartially, and honestly, execute and perform the trust reposed in me as a searcher, by virtue of an act of parliament, made in the twenty-third year of the reign of his majesty king George the third, for rendering more effectual the provisions contained in an act of the thirteenth year of king George the first, for preventing frauds and abuses in the dying trade.

F I N I S.

